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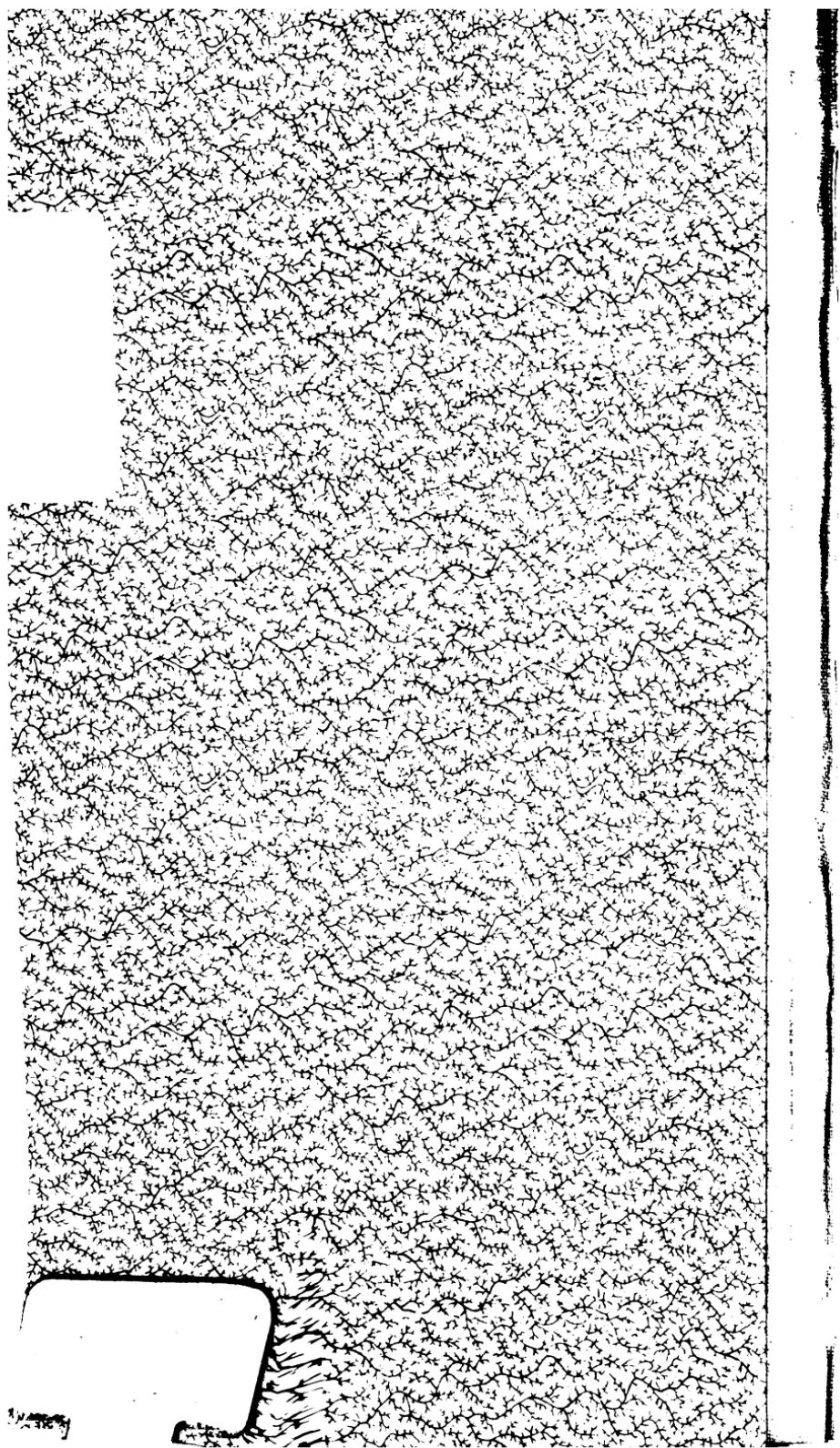
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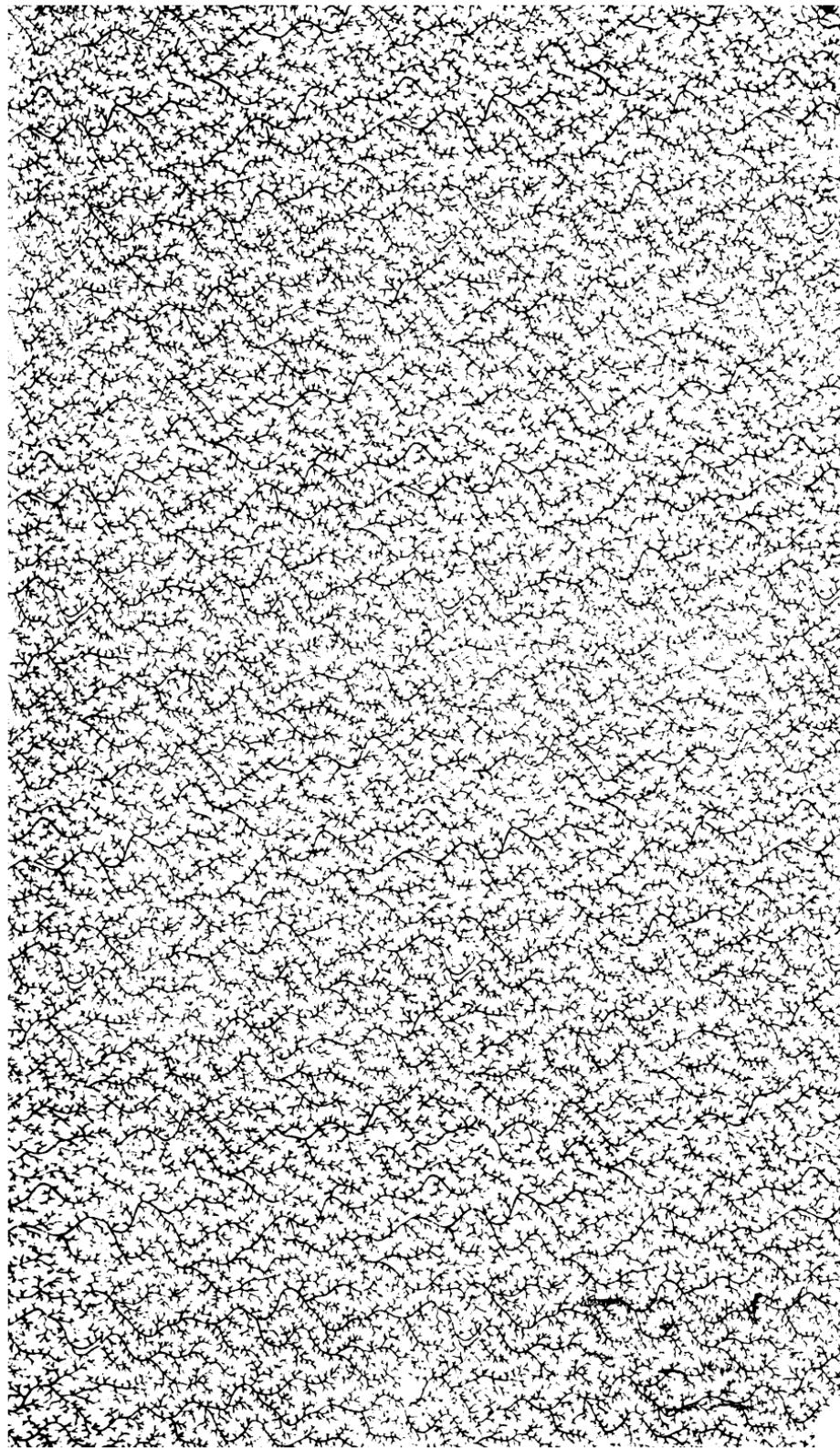
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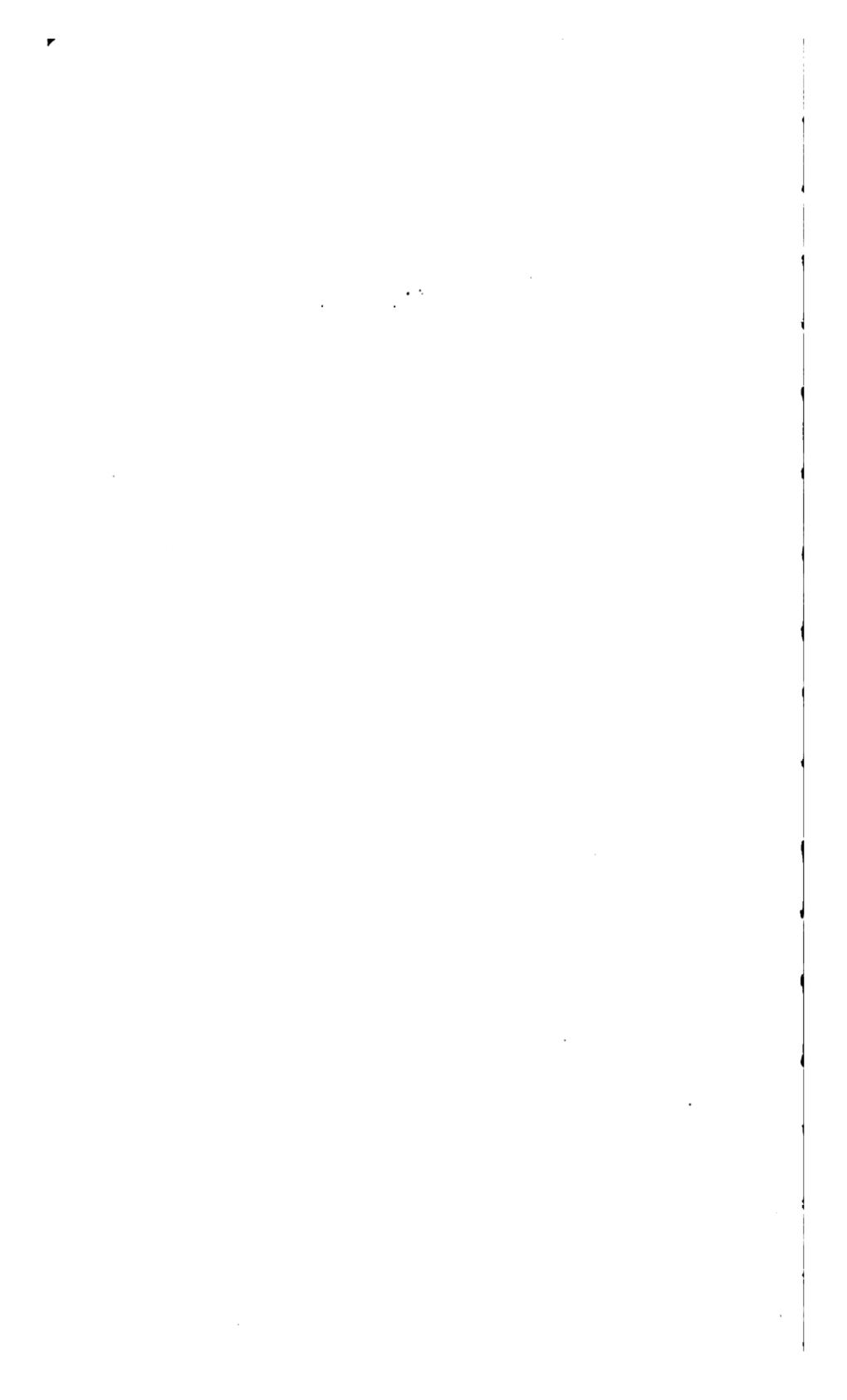
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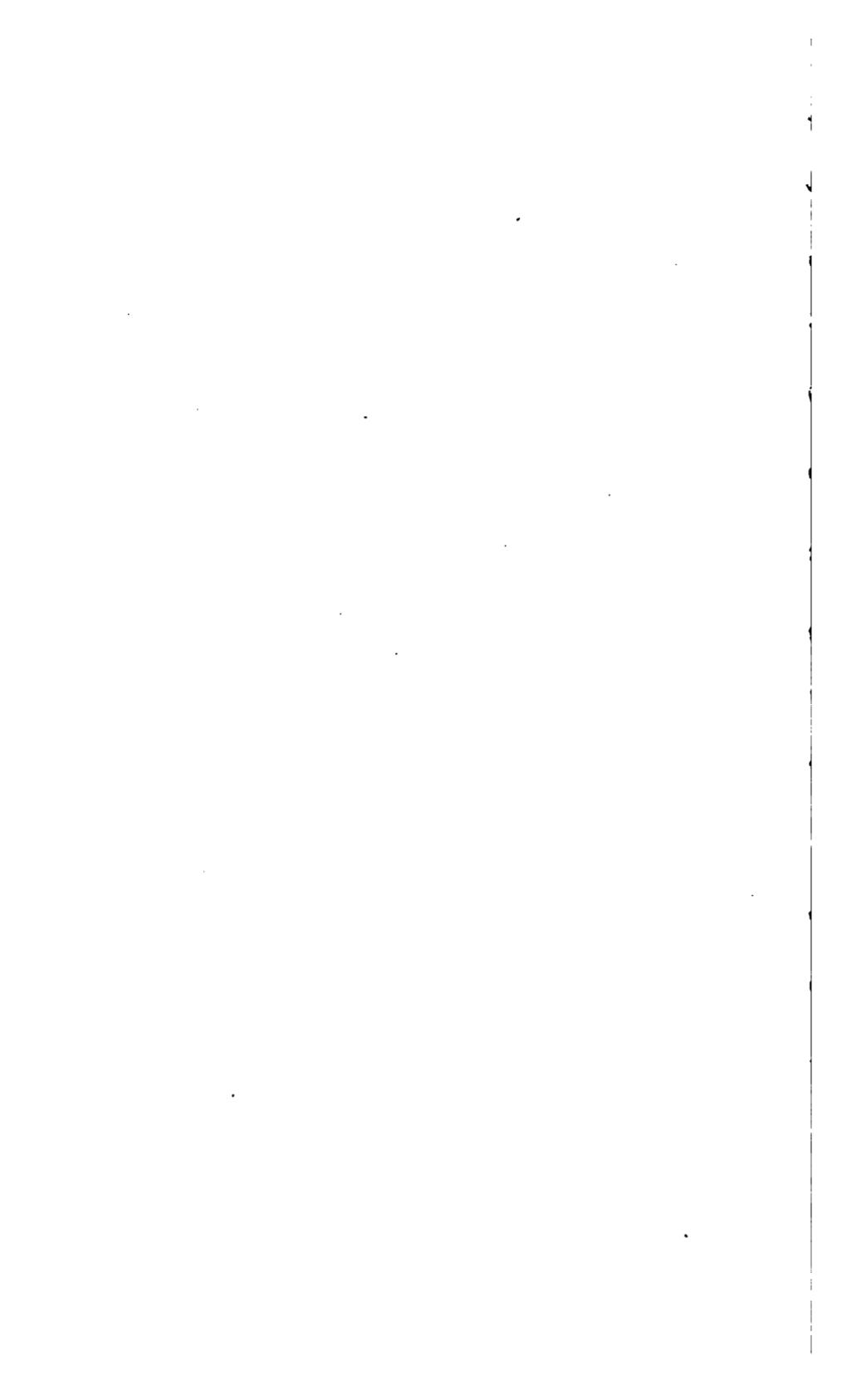
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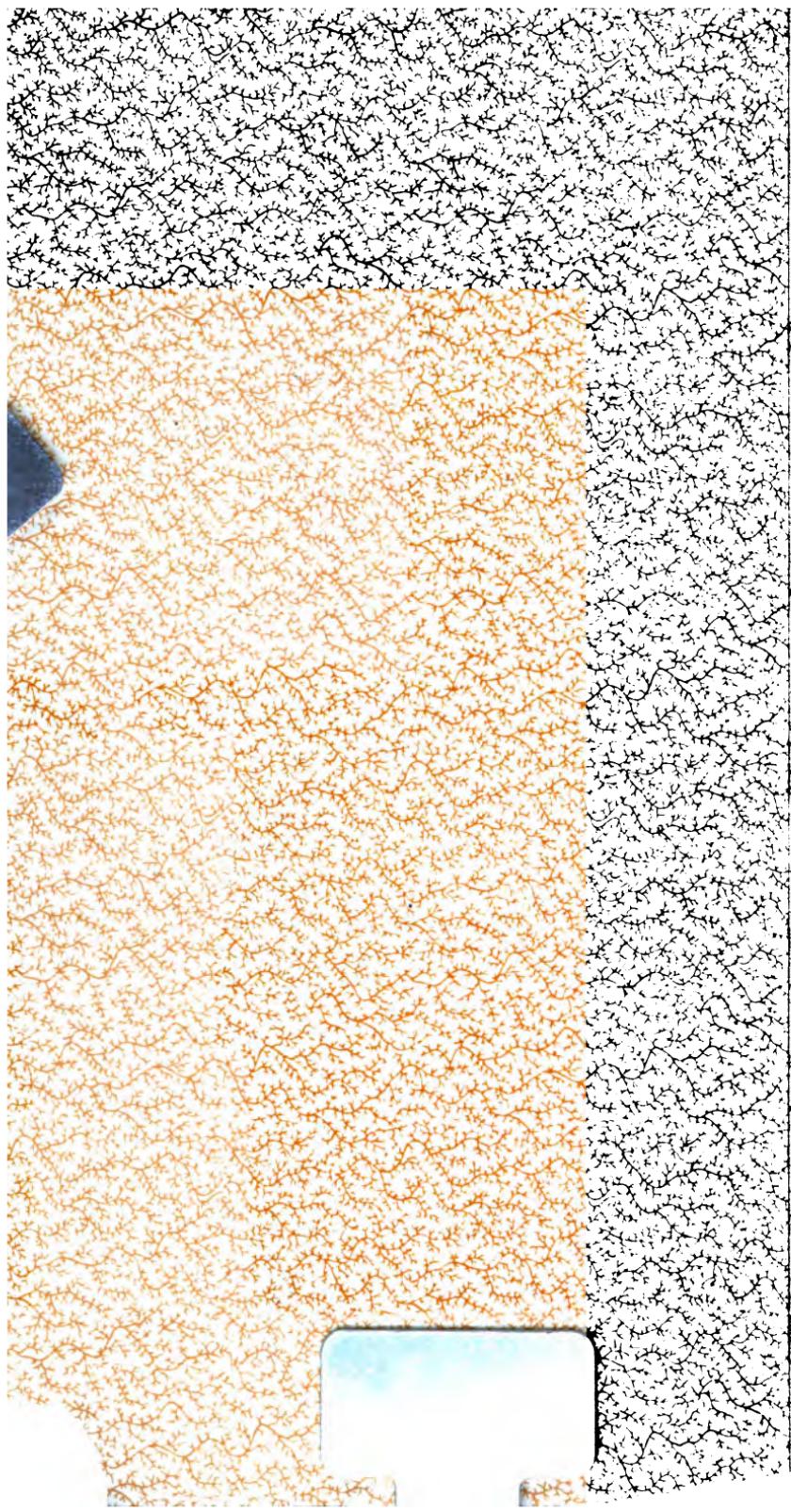


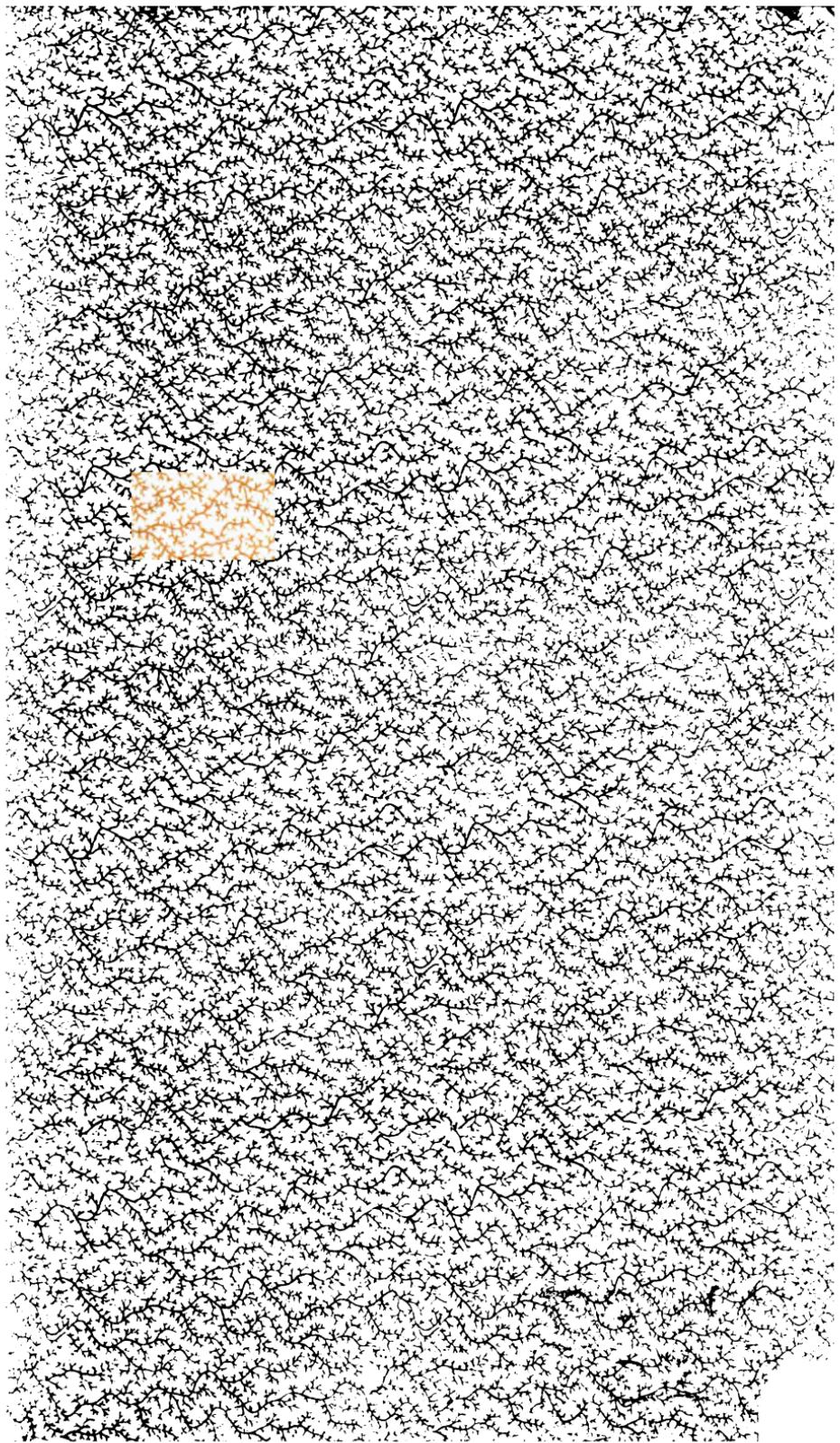


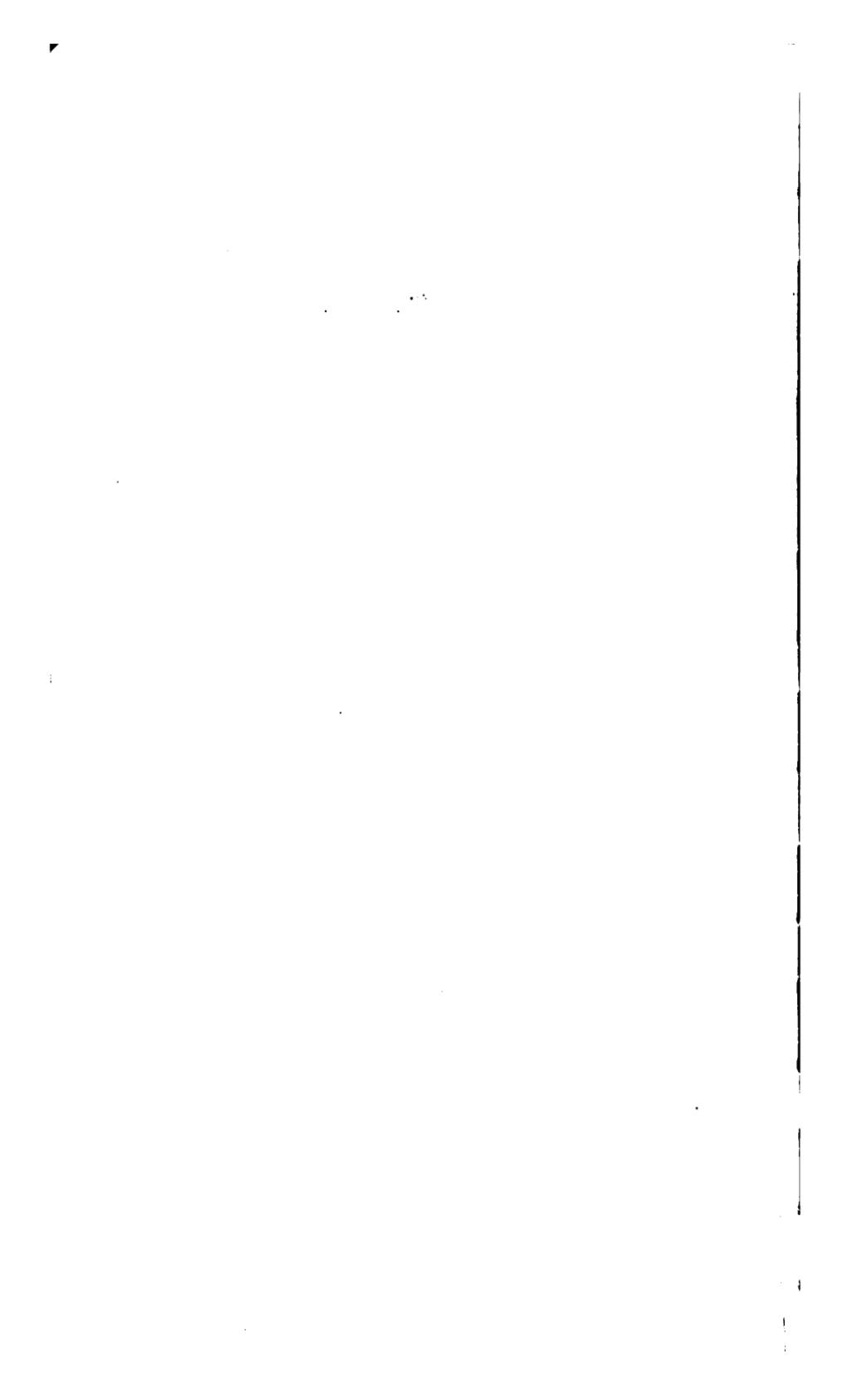


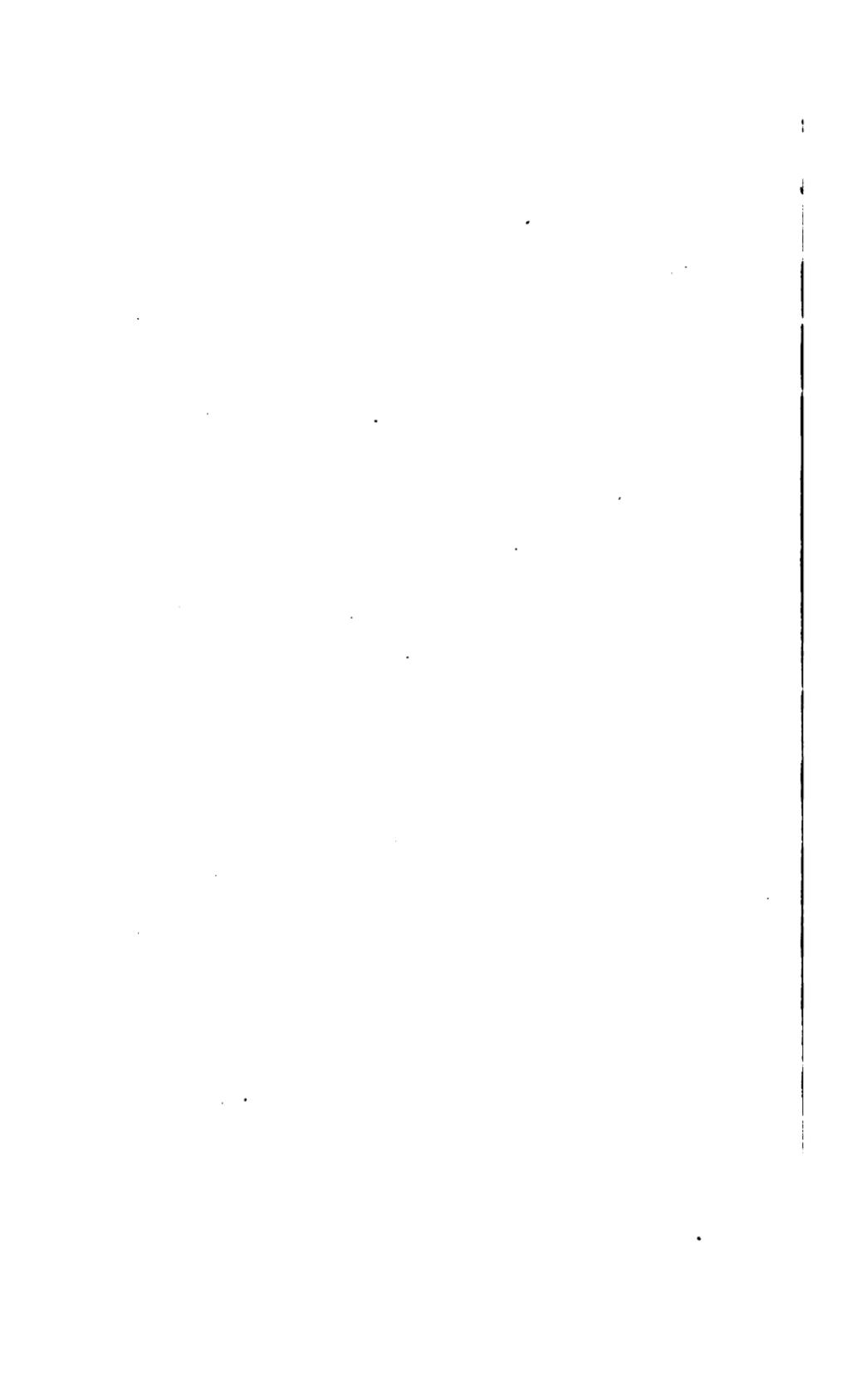




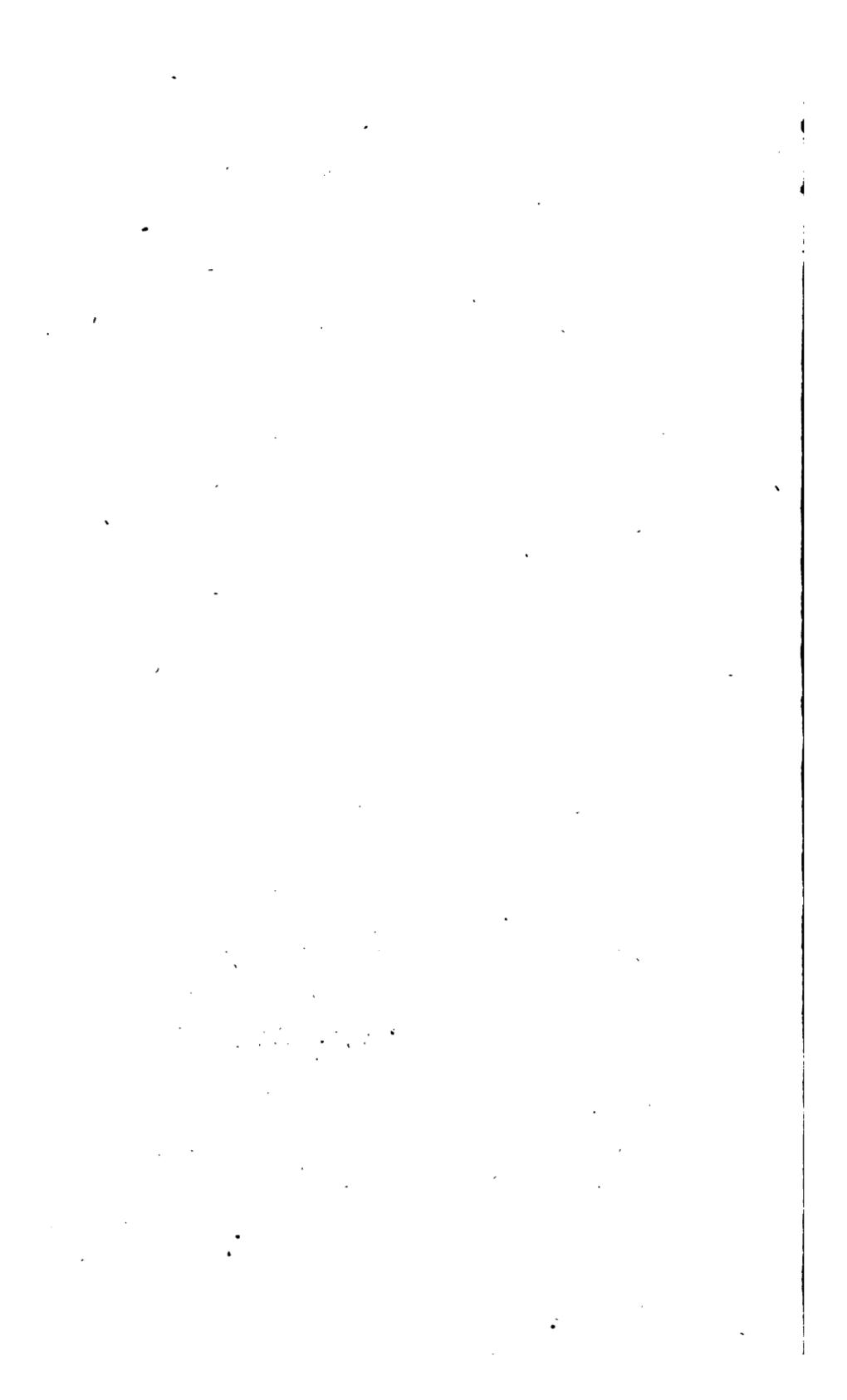












THE
HISTORY
OF
GREAT BRITAIN,

FROM THE
FIRST INVASION OF IT BY THE ROMANS
UNDER JULIUS CÆSAR.

WRITTEN ON A NEW PLAN.

By ROBERT HENRY, D.D.

ONE OF THE MINISTERS OF EDINBURGH; MEMBER OF THE
SOCIETY OF ANTIQUARIANS OF SCOTLAND, AND OF
THE ROYAL SOCIETY OF EDINBURGH.

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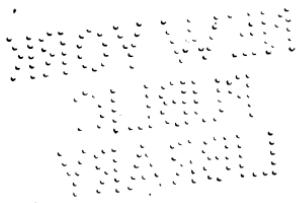
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THE
HISTORY
OF
GREAT BRITAIN.

BOOK V.

CHAP. II.

History of Religion in Great Britain, from the accession of Henry IV. A.D. 1399., to the accession of Henry VII. A.D. 1485.

THE ecclesiastical transactions of this period Cent. XV. that merit the attention of posterity are not many: being for the most part of a melancholy nature, they shall be related with as much brevity as is consistent with perspicuity.

Henry IV., conscious of the defect of his title to the throne, earnestly desired to gain the favour and support of the clergy. With this view, he sent the Earl of Northumberland to a convocation of the province of Canterbury, met in the chapter-house of St. Paul's, 6th October, A.D. 1399., with a message admirably adapted to please the mem-

Cent. XV. bers of that assembly, and attach them to his interest. "I am not come (said the Earl), like the commissioners of former kings, to demand your money, but to assure you, that my royal master never will demand any money of his clergy, except in cases of the most extreme necessity. I am come most earnestly to beg the prayers of the church for the King and kingdom; and to promise, that he will protect the clergy in all their liberties and immunities; and that he will assist them with all his power in exterminating heretics." The first of these promises was soon forgotten; and no king of England ever made such frequent demands of money from the clergy as Henry IV., after he was firmly established on the throne; but the second was too faithfully performed.

Law against the Lollards. Archbishop Arundel, who was now restored to his see of Canterbury, was a cruel enemy to Wickliffe and his followers. When he was Archbishop of York, he persecuted them with great severity; but being now placed at the head of the church, and supported by all the power of the crown, he determined to shew them no mercy. That he might be armed with legal powers to take vengeance on the devoted Lollards, he and his clergy applied to the parliament that met at Westminster, A.D. 1400., representing, that many persons, who had no authority from a bishop, preached heretical doctrines, published heretical books, and taught errors and heresies in the schools; and praying the

parliament to provide a remedy against these dangerous innovations. In compliance with this representation of the clergy, the parliament, or rather the King and peers, made a severe law against the Lollards, authorising the bishops to imprison all persons suspected of heresy, to try them in the spiritual court; and if they proved either obstinate or relapsed heretics, the spiritual judge was to call the sheriff of the county, or the chief magistrate of the town, to be present when the sentence of condemnation was pronounced, and immediately to deliver the condemned person to the secular magistrate, who was to cause him to be burnt to death in some elevated place, in the sight of all the people:²

The Archbishop, impatient to put this cruel law in execution, even during the session of parliament that made it, brought Sir William Sawtre, rector of St. Oswyth, London, to his trial for heresy, before the convocation of the province of Canterbury, at St. Paul's. The chief heresies of which he was accused were these two; that he refused to worship the cross, and that he denied the doctrine of transubstantiation. The unhappy man, in order to avoid the painful death with which he was threatened, endeavoured to explain away his heresies as much as possible. He consented to pay an inferior vicarious kind of worship to the cross, on account of him who died upon it. But that gave no satisfaction. He acknowledged

Cent.XV.

Burning
of Sir
William
Sawtre.

² Statutes, 2d Hen. IV. ch. 15. Wilkin. Concil. tom. 3. p. 271.

Cent. XV. the real presence of Christ in the sacrament; and that after the words of consecration were pronounced, the bread became the true spiritual bread of life. He underwent an examination of no less than three hours on that subject, February 19., A.D. 1401.; but when the Archbishop urged him to profess his belief,—“ That after consecration the substance of the bread and wine no longer remained, but was converted into the substance of the body and blood of Christ, which were as really and truly in their proper substance and nature in the sacrament, as they were in the womb of the Virgin Mary, as they hung upon the cross, as they lay in the grave, and as they now resided in heaven;” he stood aghast, and, after some hesitation, declared, “ That, whatever might be the consequence, he could neither understand nor believe that doctrine.” On this the Archbishop pronounced him an obstinate heretic, degraded him from all the clerical orders with which he had been invested, and delivered him to the mayor and sheriffs of London, with this hypocritical request, that they would use him kindly; though he well knew, that all the kindness they dared to shew him was to burn him to ashes. He was accordingly burnt in Smithfield, and had the honour to be the first person in England who suffered this painful kind of death, for maintaining those doctrines which are now maintained by all the Protestant churches.³

³ Wilkin. Concil. tom. 3. p. 262. Fox, Acts and Monuments, p. 476, 477.

This

This cruel public execution of so respectable a clergyman struck terror into all the followers of Wickliffe, and made many of them conceal their opinions to preserve their lives. Others of them, when they were brought to their trial fainted, wounding their consciences, by pretending to renounce their sentiments; and several years elapsed before any one was found who had fortitude to endure the fiery trial⁴. Great multitudes, however, in all parts of England, particularly in London, Oxford, Shrewsbury, Norfolk, and Lincolnshire, still secretly adhered to the opinions of Wickliffe.⁵

Cent. XV.
Lollards
dismayed.

Archbishop Arundel was as superstitious as he was cruel. He increased the number of holidays, and appointed additional acts of worship to be paid to the Virgin Mary, to whose patronage he ascribed all the prosperity of the English nation, and particularly the late revolution, which had restored him to his see⁶. To do this prelate justice, he attempted to rectify a very great abuse which had long prevailed, of holding fairs and markets in church-yards on Sundays. He prohibited this practice, except in harvest, when it was thought to be necessary.⁷

Arundel
superstition.

William Thorp, a clergyman of uncommon learning for the age in which he flourished, was a disciple of Wickliffe, and preached the doctrines he had learned from him in many parts of England. He was sometimes imprisoned; but by his

Sufferings
of Mr.
Thorp.

⁴ Fox, *Acts and Monuments*, p. 435.

⁵ Id. *ibid.*

⁶ Wilkin, *Concil. tom. 3.* p. 246. 252.

⁷ Id. *ibid.*

Cent. XV. own prudence, and favourable events, he long escaped any severer sufferings. Being apprehended by the magistrates of Shrewsbury, he was sent to the Archbishop of Canterbury; before whom, and three of his most learned clergy, he underwent a very long examination, on the first Sunday of August, A.D. 1407.; of which he wrote a very distinct account. From this account it appears, that Mr. Thorp was an overmatch for his antagonists at disputation; which made them have recourse to promises and threatenings to shake his constancy. The primate, who was much addicted to profane swearing, declared, with many oaths, —“ That he would pursue him, and all his sect so narrowly, that he would not leave one slip in the land.” One of the assistant priests told him, that if he did not recant, he should be cursed, degraded, burnt, and damned; and another of them proposed to throw him into the sea. At last the primate adopted a measure, in appearance at least, milder. He committed him to a loathsome prison at Saltwood, the horrors of which had overcome the fortitude of several other Lollards; and in this prison, it is probable, Mr. Thorp died, as no further mention is made of him in history.*

Attempts
on the pa-
trimony
of the
church.

The excessive riches and dissolute manners of many of the clergy created them many enemies, and produced several attempts against the patrimony of the church. When the King was reduced to great straits in his expedition into Wales, A.D.

* Fox, p.487—500.

1403, some of his barons proposed to seize the money and plate of certain rich prelates who were in the army, to supply his wants. But the primate, who was present, denounced such threats against any who should presume to invade the property of the church, that the proposal was not adopted⁹. In a parliament at Coventry, A.D. 1404, when a supply was demanded from the commons, they represented by their speaker to the King, in the house of lords, that the commons were reduced to great poverty by frequent taxes and their personal service, and could not afford any supply; but that the clergy wallowed in wealth; and that it was therefore reasonable to take some of their superfluous riches to supply the necessities of the state. To ward off this blow the primate fell on his knees before the King, and conjured him to remember his coronation oath, by which he had solemnly swore to protect the church in all her privileges and immunities. The King desired the Archbishop to rise and go to his place, and assured him he would defend the church in all her possessions, and would leave her richer than he found her. The peers adopting the same idea, the commons were not only obliged to relinquish their proposal, but to beg pardon for their presumption.¹⁰

Several laws were made in this reign against the exorbitant exactions of the court of Rome, against the Pope's providing successors to bene-

Laws
against the
court of
Rome.

⁹ Walring. *Ypodigma Neustriae*, p. 561.

¹⁰ Id. *ibid.* Hist. Aug. p. 371, 372.

Cent. XV. fices before they became vacant, and against his granting exemptions to the regular clergy from the payment of tithes¹¹. But these laws were not more effectual than former ones to the same purpose.

Archbishop Arundel's constitutions.

The primate held a convention of the prelates and clergy of his province, at St. Paul's, January 14., A.D. 1409., in which thirteen canons or constitutions were made. In the preface to these canons, it is declared to be the most horrid of all crimes, to dispute any of the doctrines, or disobey any of the decrees, promulgated by the Pope—“ who carried the keys of eternal life and eternal death; was the vicegerent, not of a mere man, but of the true God, on earth; and to whom God had committed the government of the kingdom of heaven”¹². This was rather strong language, especially at a time when there were two popes, who had sent one another to the devil, and were both declared contumacious heretics by the council of Pisa that same year¹³. The design of Archbishop Arundel's constitutions was, to prevent the increase, and even to extirpate Lollardy, as the doctrines of Wickliffe, were then called, by inflicting certain wholesome severities on those who propagated or professed these doctrines.¹⁴

Burning of Thomas Badby.

An example of this severity was exhibited soon after the publication of these canons. Thomas Badby, a taylor in the diocese of Worcester, was

¹¹ Statutes at Large, item, &c.

¹² Wilkin. Concil. tom. 3. p. 314.

¹³ Du Pin, Cent. XV. c. I.

¹⁴ Wilkin. Concil. tom. 2. p. 314. 319.

tried

tried and found guilty of heresy by the bishop of that see, January 2., A.D. 1410., and sent, with a copy of his trial and sentence, to the primate. The heresy of which Badby was accused, and for which he was condemned, was this—“ That the sacrament of the body of Christ, consecrated by the priest on the altar, was not the true body of Christ, by virtue of the words of the sacrament; but that, after the sacramental words spoken by the priest to make the body of Christ, the material bread did remain upon the altar as at the beginning; neither was it turned into the very body of Christ after the sacramental words spoken by the priest¹⁵. ” He was also accused of saying that “ no priest was able to make the body of Christ.” On these subjects he was examined by the Archbishop, in the presence of nine other bishops, and many of the chief nobility, March 1. The primate pressed him earnestly to renounce his errors, and believe as the church believed; and declared, that if he would do this, “ he would gage his soul for him at the day of judgment.” But Badby still adhering to his opinions, he pronounced him an obstinate heretic, and delivered him to the secular magistrates, “ desiring them very instantly not to put him to death;” though he new perfectly that they could do nothing else. He was accordingly conducted to Smithfield the same day, in the afternoon, placed in a large tun, surrounded with dry wood, and fastened to a stake with iron chains. Before the fire was kindled, the

¹⁵ Fox, p. 479.

Cent. XV. Prince of Wales rode up to the pile, and earnestly entreated him to save himself from a painful death, by renouncing his heresies, promising him a competent annuity for life if he would comply. The poor man, with many expressions of the warmest gratitude to the Prince, declared, that he firmly believed his opinions to be true, and that he could not renounce them, even to save his life. The fire being then put to the wood, when he felt the violence of the flames, he cried aloud for mercy. The Prince thinking that the pain he had felt had overcome his fortitude, commanded the flames to be extinguished, and renewed his intreaties to him to recant. But this humble sufferer remaining invincible in his resolution to endure any torment rather than renounce the truth, the fire was kindled, and he was reduced to ashes.¹⁶

Schism in
the pa-
pacy.

As it doth not properly belong to our present subject, so it would be tedious to give a minute detail of all the steps that were taken by the church of England, in conjunction with other churches, to put an end to the schism in the papacy, which had now continued about thirty years. It is sufficient to observe, that the two contending popes, Peter de Luna, called Benedict XIII., and Angelus Corarius, called Gregory XII., were deposed by the council of Pisa, June 5., A.D. 1409., as manifest schismatics and heretics, guilty of contumacy and perjury; and on the 19th of the same month, that general council raised Peter Philaret, a Greek, to the papacy, who took the name of

¹⁶ Fox, p. 477—480.

Alexander

Alexander V., and was acknowledged as pope by ^{Cent. XV.} the church of England¹⁷. But this was so far from putting an end to the schism, that it added one pope more to the number; so that now, and for several years after, there were no fewer than three infallible heads of the church, and keepers of the keys of the kingdom of heaven, at once; who gave one another very bad names, which was not the worst proof of their infallibility. Alexander V. died May 3., A.D. 1410., and was succeeded by Balthasar Cossa, a Neapolitan, who assumed the name of John XXIII. But John was deposed, A.D. 1415., by the council of Constance, for heresy, contumacy, perjury, simony, adultery, incest, and a thousand cheats¹⁸. Benedict XIII. (Peter de Luna) was also deposed; and Angelus Corarius (Gregory XII.) having resigned, the chair of St. Peter was considered as empty, and Odon de Colonna, cardinal-deacon of St. George, was placed in it, who took the name of Martin V. But as Benedict XIII. did not submit to the sentence of deposition, and even had a successor, named Clement VII., the schism was not fully terminated till A.D. 1429., after it had continued more than half a century, had occasioned great confusion in the Christian world, and put all the princes and states in Europe to incredible expense and trouble.

Archbishop Arundel still continued his efforts ^{Persecution.} to extirpate the opinions of Wickliffe, by perse-

¹⁷ Du Pin, Cent. XV. c. 1.

¹⁸ Id. ibid. c. 2.

Cent. XV. cutting those by whom they were maintained. He was the more exasperated against these opinions, that some of them were hostile to the power and riches of the clergy; and their friends in the house of commons had made repeated attempts on the possessions of the church. In the parliament that met at Westminster in the beginning of Lent A.D. 1409., the commons represented to the King, in the house of peers, " That if he would please to take away the estates of the bishops, abbots, and priors, which they spent in unnecessary pomp and luxury, the crown and kingdom would reap great advantages, as it would enable the King to support 15 earls, 1500 knights, 6200 esquires, and 100 hospitals ".¹⁹ But this petition was rejected; and the peers presented a counter petition, praying the King to protect the patrimony of the church, and to punish all such as taught the people that it was lawful to take it away.²⁰

The primate, in order to suppress the doctrines of Wickliffe in the university of Oxford, where they prevailed more than in any other part of England, set out with a great retinue, A.D. 1411., to visit that university. But when he approached, he was met by the chancellor and proctors, who told him, that if he came only to take a view of their colleges, he should be received and entertained with all the respect due to his high rank;

¹⁹ Walsing. p. 379.

²⁰ Fuller's Church Hist. book 4. p. 161.

but

but that if he came as their visitor, he could not be admitted, because they were exempted by several papal bulls from all episcopal visitation. The primate, greatly irritated at this repulse, appealed to the King; who, after hearing both parties, pronounced a definitive sentence, February 9., A.D. 1412., against the university.¹¹

The Archbishop, being engaged in other affairs, did not execute his intended visitation, but commanded the university to appoint twelve of its most learned and orthodox members to examine the works of Wickliffe, and extract such opinions as appeared to them heretical or erroneous. In compliance with this injunction, the university chose four doctors, four bachelors, and four students in divinity, who examined Wickliffe's works, and extracted no fewer than 267 opinions, which they declared to be partly heretical and partly erroneous, which they transmitted to the primate, who sent them to the Pope, with a request to condemn them, and grant him authority to take the body of Wickliffe out of the grave, and throw it on a dunghill, that it might be trampled on by all Christians. The Pope condemned Wickliffe's doctrines, but refused to grant the primate permission to disturb his ashes.¹²

Though Henry IV. died March 30., A.D. 1413., the power of the primate was not diminished, nor the persecution of the Lollards in the

Doctrines
of Wick-
liffe con-
demned.

¹¹ Fuller's Church Hist. book 4. p. 164.

¹² Wilkin. Concil. tom. 3. p. 339—353.

Cent. XV.

least abated; the clergy having taken great pains to gain the favour of his son and successor Henry V. The Archbishop, secure of the support of the crown, now determined to attack Sir John Oldcastle, Lord Cobham, who was at the head of the party, in order to strike terror into the rest. Soon after the coronation of Henry V. a parliament met at Westminster, and a convocation at St. Paul's. At this convocation, a copy of each of Wickliffe's works was publicly burnt, with great solemnity, by the primate, in presence of the nobility, clergy, and people. It happened that one of the books burnt on this occasion had belonged to Lord Cobham, who was also accused by the proctors of the clergy as the great encourager of the Lollards, and was therefore summoned to appear before the convocation.²³

The King
converses
with Lord
Cobham.

The primate, upon second thoughts, did not think it proper to proceed any further against a person of such high rank, and so renowned for his valour and virtues, till he had consulted the King, and obtained his permission to proceed. The King desired the primate to delay the prosecution for some time, and promised to converse with Lord Cobham, and endeavour to persuade him to renounce his errors. Accordingly he had a private conversation with him, and laboured very earnestly to prevail upon him to return to the faith and obedience of the church. He answered in terms of the highest respect, but spoke with so much

²³ Fox, p. 514. Wilkin. Concilia, p. 353.

freedom of the Pope as antichrist, that the King ^{Cent.XV.} was disgusted, and gave him up to the will of the clergy²⁴. The primate, having obtained the royal permission, proceeded with great vigour against Lord Cobham; who having disregarded three successive summonses, was declared contumacious, and excommunicated. In the mean time he was apprehended, and imprisoned in the tower of London, and brought from thence before the primate, assisted by several bishops and doctors, September 25. The primate narrated to him all the steps that had been taken in his affair, that he had been declared contumacious, and excommunicated; but that, on desiring it, he was ready to grant him absolution. Lord Cobham, taking no notice of this offer, said, he was very willing to give them an account of his religious principles; and, pulling a paper out of his bosom, read it as the confession of his faith, and then delivered it to the Archbishop. The following is a copy of that curious paper, that may be supposed to contain the sentiments of the most intelligent Lollards, cautiously expressed, in the language of that age.

“ I John Oldcastell, knyght, Lord of Cobham,
“ Wole, that all Cristyn men wyte and under-
“ stond, that I olepe Allmyghty God in to wyt-
“ ness, that it hath ben, now ys, and ever, with
“ the help of God, shall ben myn entent, and
“ my wylle, to beleve feythfully and fully all the

²⁴ Wilkin. Concilia, p. 353.

“ sacra-

Cent. XV.

“ sacramentis that evyr God ordeyned to be do in
“ holy churche ; and, more over, for to declare
“ me in these foure peyntes : I beleve, that the
“ most woschipfull sacrament of the auter is
“ Christes body in forme of bred, the same body
“ that was born of the blyffyd Virgyne our Lady
“ Seint Marye, don on the cross, deed and buryed
“ the thrydde day, ros fro deth to lyf, the wych
“ body is now glorified in hevene. Also, as for
“ the sacrament of penance, I beleve, that it is
“ nedfull to every man that shall be saved, to for-
“ fake synne, and do due penance for synne bifore
“ doon, wyth trewe confeffion, very contrition,
“ and duhe satisfaction, as Goddes law lymiteth
“ and techeth, and ellys may not be saved.
“ Whych penance I desir all men to do. And
“ of as ymages I understande, that thei be not of
“ belie, but that thei were ordeyned syth the
“ biley was zew of Crist be sufferaunce of the
“ churche, to be kalenders to lewed men, to re-
“ present and bryng to mynde the paffion of our
“ Lord Jhesu Crist, and martirdom and good
“ lyvying of other seytis; and that who so it be
“ that doth the woschipe to dede ymages, that
“ is duhe to God, or putteth seych hope or trust
“ in help of them, as he shuld do to God, or hath
“ affeccion in one more than in an other, he doth
“ in that the grete fin of mawmentrie. Also I
“ suppose this fully, that every man in this erthe
“ is a pilgrime towarde blyss, or toward peyne ;
“ and that he that knoweth not, ne wole not
“ knowe, ne kepe the holy commandementes of
“ God

“ God in his lyvying here, al be it, that he goo
 “ on pylgrimage to all the wolrd, an he dy so, he
 “ shall be dampned ; and he that knowyth the
 “ holy comandementys of God, and kepereth hem
 “ hys end, he shall be saved, tho’ he nevir in hys
 “ lyve go on pilgrymage, as men use now, to Can-
 “ tirbury or to Rome, or to any oþir place.”²⁵

Cent.XV.

The primate, after consulting with the bishops Romish and doctors, told Lord Cobham, that several creed. things in his paper had a good and catholic appearance ; but that it was not sufficiently explicit on any of the four heads, of the eucharist, confession, images, and pilgrimages. For his instruction, therefore, he gave him the following paper, containing the doctrine of the church on these subjects, and allowed him two days to consider it. “ The fayth and the determination of
 “ holy churche touchyng the blissfull sacrament
 “ of the auter is this : That after the sacrament-
 “ all wordes ben sayde by a prest in hys masse,
 “ the material bred that was bifore, is turned
 “ into Cristis verray body ; and the material
 “ wyn that was before, is turned into Cryfes
 “ verray blode ; and there leweth in the auter
 “ no material brede, ne material wyn, the
 “ wych wer ther byfore the seying of the sacra-
 “ mental wordes : How lyve ye this article ?—
 “ Holy churche hath determyned, that every
 “ Cristen man lyving here bodilich in erthe,
 “ oughte to schryve to a prest ordeyned by the

²⁵ Wilkin. Concilia, p. 354, 355.

Cent. XV. " churche if he may come to hym : How fele ye
 " this article ? — Crist ordeyned Seint Petir the
 " apostell, to ben his vicarie here in erthe ; whos
 " see ys the church of Rome, ordynyng and
 " grauntyng the same power that he gaf to Petir
 " shuld succede to all Petir's successours; the wych
 " we callyn now popes of Rome; by whos power
 " in churches particular special ben ordeyned
 " prelates, as archbyshoppes, byshoppes, curates,
 " and other degrees, to whom Cristen men
 " oughte to obey after the lawes of the churche
 " of Roime. This is determination of holy churche:
 " How fele ye this articull? — Holy church hath
 " determined, that it is needfull to a Cristyn man
 " to goo a pylgrymач to holy places, and there
 " specially to worship holy reliques of seyntes,
 " apostelys, martyrs, confessours, and all seyntes
 " approved be churche of Rome. This is deter-
 " mination of holy churche: How fele ye this ar-
 " ticule?" Such strange things our ancestors,
 in the fifteenth century, were obliged to believe,
 under the pain of being burnt to ashes !

Lord Cob-
ham con-
demned.

Lord Cobham was brought before the primate, bishops, and doctors, on Monday September 25.; and having again and again refused to profess his belief of the several articles contained in the paper that had been given him two days before, the Archbishop, modestly, mildly, and sweetly (as he says himself) pronounced a sentence of condemnation against him, as an obstinate heretic, and

* Wilkin. Concil. p. 354, 355.

delivered

delivered him over to the secular arm; the meaning of which was perfectly well known²⁷. At this last examination, which was very long, Lord Cobham behaved with great intrepidity and presence of mind, and frequently put the whole court to silence by the quickness and propriety of his speeches. As soon as the sentence of condemnation was pronounced, he fell on his knees, and put up a fervent prayer to God to forgive his enemies; after which he was carried back to his prison in the Tower.²⁸

Though the King was offended with Lord Cobham for his opposition to the church, he still esteemed him for his valour; and therefore delayed his execution, in hopes of bringing him to recant. His condemnation was also very unpopular, and had brought a general odium upon his judges; which made the primate consent to, or, as some say, desire this delay; which gave the prisoner an opportunity of escaping from the Tower, and flying into Wales, where he concealed himself several years.²⁹

Archbishop Arundel, whose character is sufficiently indicated by his conduct, died February 19., A.D. 1414., and was succeeded by Henry Chicheley, Bishop of St. David's, who was elected by the monks of Canterbury on the King's recommendation. Pope John XXIII., though in a very ticklish situation himself, contending with two anti-popes, disannulled that election,

²⁷ Wilkin. Concil. p. 354, 355.

²⁸ Walsing. p. 385.

²⁹ See Fox, p. 516, &c.

Cent. XV. as an encroachment on his right of nomination ; but not daring to disoblige the King and church of England too much, he nominated the same person who had been elected³⁰. On receiving his pall from the Pope, July 29., he took an oath of canonical obedience in such strong terms, that it rendered him more the subject of that pontiff, than of his natural sovereign.³¹

Law
against
Lollards.

The new primate was as great a persecutor of the Lollards as his predecessor. It was probably by his influence that a very severe law was made against them by the parliament at Leicester, A.D. 1415. By that law, all former statutes against them were confirmed ; and it was further enacted, That the chancellor, the judges of both benches, and of assize, all justices of the peace, sheriffs, mayors, and bailiffs, should take an oath at their admission to their offices, to do every thing in their power to extirpate all Lollards out of the kingdom, and to assist the ordinaries in prosecuting Lollards.³²

Abuses
in the
church.

At the King's command, the university of Oxford drew up a catalogue of those abuses in the church that needed reformation, to be laid before the council of Constance. This catalogue consists of forty-six articles, and, though it was composed by clergymen, gives a most odious picture of the manners of the clergy at this period, particularly of their

³⁰ Antiq. Britain, p. 276.

³¹ Duch. Vita Chicheley, p. 12. Statutes at large, an. 1415. Wilkin, p. 355.

avarice

avarice and debauchery. Of each of these it Cent. XV.
 will be sufficient to give one example. In the twenty-seventh article it is said, "It is notorious,
 " that when a Pagan or a Jew, abandoning his former errors, desires to be purified in the holy fount of baptism, all his temporal goods are confiscated to the church; which, it is believed, prevents many Jews from being baptised. It would be pious and meritorious in the council to remedy this abuse. For when Philip baptised the eunuch, he did not seize his chariot, or the other goods he had about him, at his baptism." The thirty-eighth article represents, "That the carnal and debauched lives of the clergy in our days and their public fornications, which are never punished (except by a small fine in private), set an evil example before others; it would therefore be a holy thing, and contribute to the reformation of the church, if priests, of every rank and order, who were public fornicators, were obliged to abstain from celebrating mass for a limited time."³³

The primate attempted, about this time, to reform another order of men, the barber-surgeons, and published a decree in all the churches in his province, forbidding them to keep their shops open on the Lord's day; which, by a strange mistake, he described in this manner: "The Lord's day, viz. the seventh day of the week, which the Lord blessed and made holy, and on which,

Barbers
reformed.

³³ Wilkin. Concil. p. 360—365.

Cent. XV. “ after his six days’ works, he rested from all his labour.”³⁴

Persecution. But the Lollards were the great objects of the hatred and discipline of the church in this period. One John Claydon, a furrier in London, together with certain English books found in his house, was brought before the primate, and several bishops and doctors,^{*} August 17. A.D. 1415., by Thomas Fauconer mayor. He was accused of being a relapsed heretic; and confessed,—that he had been long suspected of Lollardry;—that he had been imprisoned for it two years in Conway castle, and three years in the Fleet, near London;—and that he had abjured it before the late primate. To prove that he had relapsed, the English books found in his house were produced by the mayor; particularly one, called *The Lanterne of Light*, which, he said, was the vilest and most perverse book he had ever seen. Three of his servants were brought to give evidence, that their master used to hear people read these books to him (as he could not read himself); and that he seemed to approve of what he heard. The Archbishop appointed the examiner-general of Canterbury to examine the witnesses, and certain doctors to examine the books, and then adjourned the court to the 19th of the same month. On that day the depositions of the witnesses were produced, bearing, That they had often heard one John Fuller read these English

³⁴ Wilkin. Cœcil. p. 348

books,

books, particularly the Lanterne of Light, to their master ; and that he seemed to be highly delighted with what he heard. The doctors who had examined the books declared, that they were full of heresies ; and that the Lanterne of Light contained no fewer than fifteen. The Archbishop then condemned the books to be burnt, and pronounced John Claydon a relapsed heretic, and delivered him to the secular arm³⁵. In consequence of this sentence he was conducted to Smithfield, and there committed to the flames.

It would be tedious to relate the trials of all the Lollards during the primacy of Archbishop Chicheley. By one of his constitutions, A. D. 1416., three of the most respectable inhabitants of every parish were solemnly sworn to make diligent inquiry if there were any Lollards, or any suspected of Lollardry, or any who had English books in their houses, or had any thing singular in their way of living, within their parish, and to send an account, in writing, to the archdeacon twice every year, of their names, and all other circumstances³⁶. By this constitution a strict search after Lollards was set on foot, prodigious numbers of them were detected, thrown into prison, and cruelly harassed and persecuted. But it must be confessed, that they generally fainted in the fiery trial, and chose rather to be hypocrites than martyrs.

Immediately after Lord Cobham's escape out of the Tower, a proclamation was issued, January 11., Execution of Lord Cobham.

³⁵ Wilkin. Cecil. p. 371—374.

³⁶ Id. ibid. p. 378.

Cent. XV.

A.D. 1415., offering a reward of 1000 marks to any who should apprehend him, 500 marks to any who should give information of the place of his retreat, and exemption from all taxes for ever to the inhabitants of any city, town, or village, who should seize him³⁷. All these tempting offers produced no effect for several years³⁸. But at length he was apprehended, after some resistance, by the Lord Powis, in December A.D. 1418., and brought to Westminster, where a parliament was then sitting, by which he was condemned, on his former sentence, to be strangled and burnt. This sentence was accordingly executed at Tyburn; and the death of this great man proved a great discouragement to the Lollards.

Affairs of little moment.

In the three last years of the reign of Henry V. the English were so eagerly engaged in pushing their conquests in France, that their ecclesiastical annals consist almost entirely of the trials of heretics, and other matters of little moment³⁹. It is remarkable with how gentle a hand the prelates of this period touched the article of reformation, for which there was so loud a call. In a convocation of the clergy of the province of Canterbury, May 5. A.D. 1421., a decree was made, “ That a bishop’s barber should not demand a fee from those who received holy orders from the bishop.”⁴⁰

Haughtiness of the Pope.

The great long schism in the papacy had very much diminished the papal power and pride. The several contending popes dared not to treat the

³⁷ Rym. Fœd. tom. 9. p. 89.

³⁸ Wilkin. Concil. p. 390—417.

³⁹ Fox, p. 59.

⁴⁰ Id. p. 399.

princes

princes and nations in their communion with their usual insolence, for fear of a revolt. But that schism being now nearly healed, and Martin V. in full possession of the papal chair, he began to revive the most extravagant claims of his haughtiest predecessors, and to talk in the most imperious strain to the greatest princes and prelates. The several bulls which he directed to the Archbishop of Canterbury, and to the King and parliament of England, in the years 1426. and 1427., concerning the law called *premunire*, which prevented the popes from disposing of all the benefices in the kingdom at pleasure, afford a striking proof of this fact. In these bulls he treated the Archbishop with great asperity, and gave him the most opprobrious names, for suffering that detestable, execrable, abominable law (as he called it) to subsist so long. He treated the King and parliament very little better; telling them plainly that he was constituted by the Lord Jesus Christ supreme head over them and the universal church; giving them broad hints, that if they did not repeal that odious statute, they would all be damned; and promising, if they repealed it, to be very good to them, and not oppress them very much. The primate, to regain the favour of the Pope, went, attended by the other prelates, to the house of commons, and, with many tears and prayers, intreated them to consent to the repeal of the obnoxious act ⁴. But the hard-hearted

⁴ Wilkin. Concil. p. 471—487.

Cent. xv. commons remained unmoved by all his tears and prayers.

The opinions of Wickliffe were not confined to his native country, but were more universally adopted in some other places, particularly in Bohemia, than in England; which greatly alarmed the court of Rome. The Pope, therefore, published a bull, A.D. 1428., and sent it into England, as well as into other countries, commanding solemn processions to be made, on the first Sunday of every month, in all churches and church-yards, in order to draw down the vengeance of Heaven on those heretical Bohemians; and promising sixty days' indulgence to all who attended these processions, or who said twenty-five *pater-nosters*, with the same pious intention⁴². His Holiness, not trusting entirely to supernatural interposition for the destruction of the enemies of the church, proclaimed a croisade against the Bohemians, granting the pardon of all their sins, and the happiness of heaven, to all who died on that expedition; and a certain quantity of indulgences to all who contributed to its success, in proportion to the value of the contribution⁴³. Many of the English engaged in that croisade, which was conducted by the Cardinal of Winchester.

Council weight prohibited.

The clergy, in their convocations in this period, sometimes meddled with things that seem to have been a little out of their road. In the convention

⁴² Wilkin. Concil. p.492.

⁴³ Id. p.511.

of Canterbury, A.D. 1430., it was represented, Cent. XV. that some merchants bought certain goods by the auncil weight, and sold them by avoirdupois weight, which was lighter. The convocation therefore made a canon, That no person should use the auncil weight under the penalty of the greater excommunication.⁴⁴

Martin V. was, with great difficulty, prevailed upon, or rather compelled, to call a general council, according to his own promise, and a decree of the council of Constance; and appointed Julian, Cardinal of St. Angelo, to preside in it in his name. But the Pope died, February 20. (before the council met at Basil, July 19., A.D. 1431.), and was succeeded by Gabriel Condolmicas, a Venetian, who took the name of Eugenius IV., and confirmed the nomination of Cardinal Julian to preside in the council. In the second session, February 15., A.D. 1432., the council decreed,—That a general council, when sitting, was supreme head of the church, to whose censure all persons (the Pope not excepted) were subject;—and that the Pope could not dissolve a general council without the consent of the members. The Pope, irritated at these two decrees, published a bull of dissolution; at which the fathers at Basil were so much offended, that they threatened to depose him, and elect another pope, if he did not recall his bull⁴⁵. When affairs were in this distracted state, the Archbishop of Canterbury called a con-

⁴⁴ Wilkin. Concil. p. 516.

⁴⁵ Du Pin. cent. xv. ch. 3.

Cent. XV. vocation of the prelates and clergy of his province, November 7., A.D. 1433., and proposed the following questions to the representatives of the clergy in the lower house: Hath the Pope power to dissolve a general council? Hath the council of Basil power to depose Pope Eugenius? If that council depose Eugenius, and elect another, will you adhere to him, or to the Pope chosen by the council? After requesting some days to deliberate on these questions, they returned the following answers, by their prolocutor Thomas Bikyngton. The Pope hath power to dissolve a general council: The council hath not power to depose Pope Eugenius: If that council depose Pope Eugenius, we will still obey him as lawful Pope⁴⁶. One thing that engaged the English clergy to embrace the party of the Pope against the council was this: in the council of Constance, the members deliberated, and voted by nations; and the English had one entire vote: but in the council of Basil the members were divided into four deputations, each of which was composed of persons of different nations; and the English, being few, and divided into the different deputations, were lost in the crowd, and had little influence in the council. Of this they sent home grievous complaints; which irritated the English clergy against the council, and made them desire its dissolution.⁴⁷

Negotiation with
the Bohemians.

The Bohemians having proved victorious in the field over the Emperor Sigismond, and all the

⁴⁶ Wilkin. Concil. p. 323.

⁴⁷ Id. ibid.

princes

princes and prelates who had engaged against them, the council of Basil entered into a kind of negotiation with them. The Bohemian deputies proposed certain points of reformation, which, if the council granted, they promised that they and their countrymen would return to the communion of the church. The Archbishop of Canterbury, having received intelligence of this negotiation, proposed this question also to his clergy in the same convocation : Whether any concessions, or what concessions, might be made by the council of Basil to the Bohemians, to bring them back to the communion of the church? To this question the clergy returned this answer: That if the Bohemians required, that the communion should be given in both kinds to the laity, that all priests and deacons should have authority to preach, that temporal offices should not be enjoyed by the clergy, and that all notorious criminals, without distinction, should be punished (which were the four things chiefly insisted on by the Bohemians), they should be denied; and, in a word, that no concessions whatever should be made to such perverse heretics⁴³. Such determined enemies were the clergy of England, at that time, to all reformation.

The persecution of the Lollards was still carried on with unabating violence. William Taylor, a clergyman, was condemned by Archbishop Chicheley, and burnt in Smithfield, A.D. 1423.,

Persecution of the
Lollards.

⁴³ Wilkin. Concil. p. 323.

Cest. XV. for maintaining this heresy (as it was called),
 " That prayers for spiritual gifts were to be made
 " to God alone ; and that to pray to creatures
 " was idolatry." The unhappy man, in hopes
 of saving his life, admitted, " That an inferior
 " kind of worship might be paid to saints ; and
 " that their merits and intercessions were pro-
 " fitable both to the dead and the living ". But
 that gave no satisfaction. Father Abraham of
 Colchester, John White, and John Waddon,
 priests, were also committed to the flames for
 the same crime of Lollardry⁵⁰. Many were con-
 demned to perpetual imprisonment, to severe
 flagellations, and a variety of other punishments.

Contest
between
the Pope
and coun-
cil.

The contest between the Pope and the council of Basile still continued, and became gradually more and more violent. Eugenius published a bull, translating the council of Basile to Ferrara, A.D. 1437.; and commanded the Archbishop of Canterbury, and all the clergy of England who had a right to be members of a general council, to attend him at Ferrara. But though the prelates, abbots, and priors, as well as the civil government of England, favoured the Pope in this quarrel, the inferior clergy in convocation, obstinately refusing to contribute one farthing to the expences of representatives, it is probable that very few were sent⁵¹. The Pope deprived and excommunicated all the members of the council at Basile, which was very numerous, and supported by almost all the princes

⁴⁹ Wilkin. Concil. tom. 3. p. 404—413. Fox, p. 606.

⁵⁰ Id. p. 607.

⁵¹ Wilkin. Concil. p. 525, &c.

of

of Europe ; and that council very soon returned the compliment, by suspending the Pope from the exercise of his office, and excommunicating all the members of his council. At length the council of Basile deposed Eugenius, A. D. 1439., and elected Amadeus Duke of Savoy (who had resigned his dominions, and lived in retirement,) to be pope ; which produced another schism in the church ; and the two popes, as usual, cursed and excommunicated one another, and their respective followers⁵². But as the church of England took very little part in this quarrel, it would be a digression to pursue the history of it any further.

Cent. XV.

Archbishop Chicheley died April 12., A.D. 1443., after he had been primate twenty-nine years. He was learned for the age in which he flourished, and an encourager of learning. Martin V., and his own haughty suffragan, the rich Cardinal of Winchester, treated him harshly on some occasions ; but, being a prudent man, he had the wisdom to submit, when he had not the power to subdue. He was a cruel persecutor of the Lollards ; but doth not seem to have been so fond of burning them as his predecessor ; observing, that those scenes of horror excited compassion for the sufferers, and indignation against their prosecutors⁵³. He was succeeded in the primacy by John Stafford, Bishop of Bath, a son of the Earl of Stafford.

Death of
Archbishop
Chicheley.

A violent contest had arisen between the clergy and the common lawyers, about the meaning of a Petition of
the clergy
to parlia-
ment.

⁵² Du Pin, Cent. XV. ch. 3.⁵³ Duch. Vita Chicheley. p. 47, 48. Wilkin. Concil. p. 537.

Cent. xv. single word in the famous statute of **premunire**. In that statute it was enacted, “ If any purchase, “ or pursue, or do to be purchased or pursued, in “ the court of Rome, or elsewhere, any such “ transactions, processes, and sentences of excom-“ munication, bulls, instruments, or any other “ things which touch the King, against him, his “ regality, or realm,” &c. they shall incur the penalties in the statute. By the court of Rome, or *elsewhere*, the clergy understood the court of Rome, whether it was at Rome or any other place; but the common lawyers understood the court of Rome, or any other court; and when any spiritual court in England presumed to judge any cause that did not strictly belong to them, the courts at Westminster not only granted prohibitions, but punished the spiritual judges, as in a **premunire**⁴⁴. The two archbishops, with all their suffragans and clergy, presented a petition to parliament, A.D. 1447., earnestly entreating an explanation of the word *elsewhere*, in the statute of the 16th Richard II., agreeable to their views. In this petition they complain bitterly of the presumption of the courts at Westminster, in pretending to be the sole interpreters of acts of parliament, affirming that the spiritual courts had as good a right to, and were much better qualified for that office⁴⁵. But the parliament paid no regard to their petition.

The Pope
seeks a
role to the
King.

The popes in this period considered all the clergy in the Christian world as their immediate subjects.

⁴⁴ See Ruffhead's Statutes, vol. I. p. 406.

⁴⁵ Wilkin. Concil. p. 555.

Cent.XV.

on whom they might impose what taxes they pleased. But though the clergy had a great veneration for the Pope, many of them had a greater veneration for their money ; which obliged the court of Rome to call upon kings and princes to compel these refractory ecclesiastics to pay their taxes. Pope Eugenius having imposed a tax of one-tenth of their benefices on all the clergy of England, and suspecting that they would not be very fond of paying it, he sent, by his collector, a consecrated rose of gold, with a bull, to Henry VI. In this bull His Holiness magnified the honour he had done to the King, by sending him so precious a present, and explained the mysterious meanings of the rose : nor did he forget to exhort him to use all the authority he had over the clergy, to make them pay the tax pleasantly, which (he said) would be a great advantage to him and his subjects. The rose was received with great ceremony ; and the primate, who was also chancellor, made a long and eloquent speech to the Pope's collector, on the beauties and virtues of the rose : but on the tax he was rather dry, telling him only, that the King would send some persons to converse with His Holiness on that subject, and forbidding him to collect any money in England till they returned.⁵⁵

The foreign and domestic disorders and calamities in which the English were involved at this time, render their ecclesiastical history as barren and unimportant as their civil history is copious

Succession
of pri-
mates.⁵⁵ Wilkin. Concil. p. 548.

Cent. XV. and interesting. Archbishop Stafford died, A.D. 1452., and was succeeded by John Kemp, Archbishop of York, and Cardinal of St. Albina, who enjoyed the primacy only about eighteen months; and on his death, Thomas Bourchier Bishop of Ely, and brother to the Earl of Essex, was advanced to that high station.⁵⁷

Trial of
Bishop Po-
cocke.

Reginald Pocoke, Bishop of Chichester, had been patronised and promoted by Humphrey, the good Duke of Gloucester; but after the death of that prince the clergy became clamorous against him, accusing him of many heresies. At length Archbishop Bourchier commanded both the Bishop and his accusers to appear before him, by a citation, dated at Lambeth, October 22. A.D. 1457.⁵⁸ The Bishop was examined several times by the primate, assisted by other prelates and doctors, and was at last prevailed upon, by threats and promises, to recant. The accounts we have of the trials and tenets of Bishop Pocoke are confused and contradictory; but the opinions he acknowledged he had held, and which he recanted, were these following:

“ We are not bound, by the necessity of faith,
 “ to believe that our Lord Jesus Christ, after his
 “ death, descended into hell.—It is not neces-
 “ sary to salvation, to believe in the holy catholic
 “ church.—It is not necessary to salvation, to
 “ believe the communion of saints.—It is not
 “ necessary to salvation, to affirm the body of
 “ Christ is materially in the sacrament.—The

⁵⁷ Antiq. Britan. p. 298.

⁵⁸ Fox, p. 651.

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" universal church may err in matters which pertain unto faith.—It is not necessary unto salvation, to believe that that which every general council doth universally ordain, approve, and determine, should necessarily, for the help of our faith and the salvation of our souls, be approved and holden of all faithful Christians."^o
 For having maintained these opinions, though he now renounced them, this prelate was deprived of his fee, and doomed to spend the rest of his days in retirement, if not in prison.

The taking of Constantinople, the capital of the eastern empire, May 29. A.D. 1453., by Mahomet II., Emperor of the Turks, alarmed all the Christian princes and states of Europe. But these princes and states were so much engaged in war, that they could not be brought to unite against the common enemy ; and the clergy were left to fight with their spiritual weapons against those adversaries of the Christian faith. Archbishop Kemp published, March 2. A.D. 1453., an order for processions to be made for a whole year ; and in this he was imitated by his successor^o. For in those times processions were believed to be the most effectual means of procuring the divine favour and assistance. At length Pope Pius II. (formerly *Æneas Silvius*) published a long, eloquent, and pathetic bull, A.D. 1463., engaging to march in person at the head of a Christian army, against the Turks, and most earnestly exhorting all Christians to take the cross, or to contribute by their

Croisade
against the
Turks.^o Fox, p. 561.^o Id. ibid. Wilkin. Concil. p. 563. 572.

Cant. XV. money to the success of the expedition ; promising the pardon of sin, and the happiness of heaven, to all who complied with his desire [“]. At the same time the Pope sent bulls into every Christian country, imposing a tax of one-tenth on the benefices of all the clergy. Edward IV. who then reigned in England, not willing to acknowledge the Pope's right to tax his clergy, and yet desirous that they should contribute liberally on this occasion, wrote to the primate, to raise a handsome sum by a voluntary assessment, which would satisfy the Pope, and prevent the publication of his bull. This method was pursued : but so little were the clergy disposed to part with their money, that it was with much difficulty the primate prevailed upon them to grant sixpence in the pound. [“]

Charter
of Ed-
ward IV.

Edward IV. soon after his accession, being earnestly desirous of the support of the clergy, made a most unwarrantable stretch of his prerogative in their favour, by granting them a charter, which rendered them almost entirely independent of the civil government, and left them at liberty to do what they pleased. By that charter he took upon him to dispense with the famous statute of praemunire, which no entreaty could ever persuade the parliament to repeal ; and he discharged all civil judges and magistrates to take any notice of any treasons, murders, rapes, robberies, thefts, or any other crimes committed by archbishops, bishops, priests, deacons, or any person in holy orders.

[“] Wilkin. Concil. p. 587—593.

[“] Id. p. 554, &c.

Nay,

Nay, if any person apprehended for a crime pretended that he was in orders, though no such thing had ever been heard of, the civil magistrate was commanded to deliver him to the bishop or his official, to determine whether he was in orders or not ; which opened a door for the most gross abuses [“]. So shameless were the claims of the clergy in those times, and so extravagant were the concessions of princes in their favour, when they stood in need of their assistance !

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Many of the clergy (if we may believe Archbishop Bourchier) made a very bad use of this exemption from civil authority. That prelate, in a commission he granted to his commissary-general to attempt some reformation, says, that many of the clergy, both secular and regular, were ignorant illiterate blockheads, or rather idiots ; and that they were as profligate as they were ignorant, neglecting their cures, strolling about the country with bad women in their company, spending the revenues of their benefices in feasting and drinking, in fornication and adultery. [“]

Profligacy
of the
clergy.

The long and cruel persecution which the Lollards had endured, seems either to have diminished their number, or shaken their constancy, or perhaps both ; for we only hear of one person who was burnt for heresy in the reign of Edward IV., when the church was most vigorously supported by the secular arm. [“]

One burnt
for heresy.

[“] Wilkin. Concil. p. 583.

[“] Id. p. 573.

[“] Fox, p. 659.

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Dispute
between
the secu-
lars and
regulars.

Convoca-
tion of
York.

A violent dispute was carried on, in the reign of Edward IV., between the secular clergy and the begging friars. These last maintained that Jesus Christ had been a beggar, and that they, on that account, were his greatest favourites, and entitled to the peculiar regard and bounty of the faithful. The seculars, perceiving the design and tendency of that doctrine, declaimed and wrote against it with great vehemence, as false and impious. At last Pope Calixtus II. published a bull against the Mendicants, A.D. 1475., declaring their doctrine to be heretical.⁶⁵

Though the convocations of the province of York generally adopted or imitated the constitutions of those of Canterbury, yet they sometimes made constitutions of their own that were singular and curious, of which it may be proper to give one example. In the convocation of the province of York, held by Archbishop Neville, A.D. 1466., several remarkable canons were made. By the first canon, every parish priest is commanded to preach four times in the year to his people, either himself or by another, and explain to them in English, without any fantastical subtleties,— the fourteen articles of faith,— the ten precepts of the decalogue,— the two precepts of the gospel,— the seven works of mercy,— the seven mortal sins,— the seven principal virtues,— and the seven sacraments of grace. To enable the clergy to perform this task, the convocation subjoined an explanation of each of these particulars, which forms a system of the Catholic theology of the fifteenth

⁶⁵ Fox, p. 659. Fuller, p. 132.

century,

century, not a little curious, but far too long to be here inserted. In the explanation of the ten precepts of the decalogue, the first commandment is said to be a prohibition of all enchantments, superstitious characters, and such figments; the second is entirely omitted; and to keep up the number, the tenth is divided into two. This was using no little freedom with a system of laws which they acknowledged to be divine. So perfectly pure were the members of this convocation, that they would not give any explanation of luxury (one of the seven mortal sins), for fear of corrupting the air. But they are still more distinguished for the prodigious desire they discover to preserve the poor laity from being damned for not paying their tithes punctually and fully to the church; and that they might not be guilty of any omission in a matter so essential to salvation, they give them a most complete catalogue of titheable subjects⁷. The canons made by that convocation contain several other remarkable particulars.

The minds of men were so much engaged and agitated by the sudden and surprising revolutions that took place in the short reigns of Edward V. and Richard III., that they seem to have paid little attention to ecclesiastical affairs. The clergy of both provinces in convocation, presented a supplication to Richard, complaining, that the clergy " were cruelly, grievously, and daylye troubled, " vexed, indighted, and arrested, by malicious and evil-disposed parsons. In eschuying of " which, say they, seeing your most noble and

⁷ Vide Wilkin, Concil. p. 599—605.

Cant. XV. “ blessed disposition in all other things, we beseech you to take tender respect and consideration unto the premises, and of yourself, as a most catholic prince, to see such remedies, that under your most gracious letters patents, the liberties of Christ’s church and yours may be confirmed, and sufficiently auctorised by your high court of parliament, rather enlarged than dyminished.” Whether the clergy on this occasion used the language of truth or flattery, when they praised Richard for his most noble and blessed dispositions in all things, may be doubted; but it was a language very agreeable to the royal ear: and they obtained letters patents, February 23. A.D. 1484., confirming those of Edward IV., and emancipating them from the jurisdiction of the King’s courts.⁶⁰

General observations.

Though Wickliffe and his followers detected many of the errors, and exposed many of the superstitious practices of the church in this period, the clergy obstinately refused to abandon any of those errors, or relinquish any of those superstitions, and persecuted with unrelenting cruelty all who attempted the smallest reformation. The declamations of the Lollards against the excessive power and riches, and scandalous lives, of priests, inflamed their rage against them, and made them reject all their other opinions, without much examination; and the laity, in general, were still too ignorant, or too indifferent, to form opinions for themselves on

⁶⁰ Wilkin. Concil. tom. 3. p. 614.

⁶¹ Id. ibid. p. 616.

subjects

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subjects of that kind. So great was the opposition to every thing that had the appearance of reformation, that errors and superstitious rites were multiplied rather than diminished. Transubstantiation was now fully established, and made an essential article in the creed of every member of the church. The cup was taken from the laity, but with great caution and by slow degrees. The clergy were first commanded to be at great pains to instruct the people, " that both the body and blood of the Lord were given at once, under the species of bread, nay, the entire, living, and true Christ; that the wine in the cup was not the sacrament, but mere wine, given them (it was then given them) to make them swallow the bread more easily." The clergy are then directed " to begin to withhold the cup in small obscure churches, and to exhort the people to swallow the bread without chewing, that none of it might stick in their teeth⁷⁰." The churches were crowded with images of the Virgin Mary, and other saints, to which much greater homage was paid than to the Supreme Being. Several English saints, as St. Osmund the bishop, the two virgins, St. Fridiswida and St. Ethelrida, were canonized in this period, and festivals instituted to their honour⁷¹. The festivals of other saints, as of St. George, St. Edward the Confessor, the Visitation of the Virgin Mary, were made double festivals, and many additional ceremonies appointed to be observed. Great stress was now

⁷⁰ Wilkin. Concil. p. 662, 663.

⁷¹ Id. p. 613.

laid

Cent. XV. laid on pilgrimages, processions, indulgences, confessions to priests, and their pardons ; and the people seem to have had a good deal to confess, and to have stood much in need of pardon. George Neville, Archbishop of York, enumerates no fewer than thirty-seven kinds of sin, which none but the Pope or a bishop could pardon. The first and greatest of these sins was heresy ; the second was *crimen contra naturam, maxime cum brutis* ; the thirty-seventh, and least in the estimation of the church, was raising a sedition which endangered a state or city⁷². In a word, ignorance, vice, and superstition, seemed to have gained ground in England in the course of this period, though the revival of learning, and the reformation of religion, were at no great distance.

Church history of Scotland imperfect.

The church-history of Scotland is as imperfectly preserved in this as in the former period. There is sufficient evidence that, besides diocesan synods, general synods or assemblies were frequently, if not annually, celebrated⁷³. But their records were either destroyed at the Reformation, with the libraries in which they had been deposited, or were carried away into foreign countries. We have the less reason to regret the loss of these records, that the canons of all the national churches in those times were nearly the same, having been either copied from one another, or dictated by the court of Rome. Before the establishment of

⁷² Wilkin. Concil. p. 613.

⁷³ A.D. 1420. *Congregata fuit, apud Pertb, in ecclesia fratrum predicatorum, synodus provincialis et confilium generale cleri regni Scotti, prout moris est.* Wilkin. Concil. tom. 3. p. 397.

archbishops and a primate in Scotland, one of the bishops was chosen *conservator privilegiorum*, and presided in these general assemblies of the clergy.⁷⁴

Though the bishops of St. Andrew's had no direct authority over the other bishops till toward the end of this period, they had a kind of tacit pre-eminence, and were considered as the first bishops of Scotland, on account of the antiquity and opulence of their see. That excellent prelate Bishop Trail having died A.D. 1401., Thomas Stewart, Archdeacon of St. Andrew's, nearly related to the royal family, was elected in his room; but being a man of a recluse unambitious disposition, declined accepting the office; and the chapter refusing to make a new election while he lived, the King retained the temporalities till his death, A.D. 1404. Gilbert Grienlaw, Bishop of Aberdeen, was then elected; but Henry Wardlaw, precentor of Glasgow, being at the court of Benedict XIII., one of the contending popes, obtained the vacant see by a papal provision.⁷⁵

Wickliffe's followers being cruelly persecuted in England, several of them fled into foreign countries, in hopes of saving their lives without wounding their consciences. One of them, John Risby a preacher, fled into Scotland, where he met with the hard fate he endeavoured to avoid, and was burnt for heresy A.D. 1407.⁷⁶

⁷⁴ Wilkin. Concil. tom. 3. p. 397.

⁷⁵ Spottiswoode, p. 56.

⁷⁶ Ib. ibid.

Bishops of
St. An-
drew's.

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Assembly
at Perth.

The kingdom and church of Scotland adhered longer to Benedict XIII. than any other church or nation. The council of Constance having deposed that pope, and his rival John XXIII., and chosen Martin V., sent the Abbot of Pontiniac, a celebrated orator and divine, into Scotland, to persuade the Scots to withdraw their obedience from Benedict, and acknowledge the pope chosen by the council. The Emperor Sigismund sent letters to the regent and three estates, to the same purpose. This important question was debated two days, October 2. and 3. A.D. 1416., in a general assembly at Perth. The Abbot of Pontiniac made an eloquent harangue to the assembly, in commendation of the council of Constance and Martin V., and earnestly intreated them to acknowledge that pope, and put an end to the schism in the church. Letters were presented from Benedict XIII., reprobating the council of Constance, and maintaining that he was the only lawful pope. This cause was favoured by the regent, and strenuously defended by Friar Robert Harding, an Englishman, who made a kind of sermon to the assembly, from a text of Scripture. But Mr. John Elwolde, rector of the university of St. Andrew's, founded about four years before, and some other famous divines, having proved that the friar had mistaken the meaning of his text, that his sermon was scandalous, seditious, and heretical, the assembly complied with the request of the council, and acknowledged Martin V. for their lawful pope.⁷⁷

⁷⁷ *Vetus Scoticron. edit. Hearn. vol. 4. p. 1136, &c.*

We

We have some remains of a general assembly or convocation of the clergy of Scotland, that met at Perth, July 16. A.D. 1420. It consisted of six bishops, and the procurators of four that were absent; five abbots, and the procurators of eight who were absent; a good many deans, archdeacons, friars, and the greatest part of the clergy (says the record) who used to come to general assemblies. William Bishop of Dumblane, being chosen conservator of privileges, presided in that assembly; the chief design of which seems to have been, to investigate the customs that had been observed in former times by the several bishops' courts in the confirmation of testaments, and to ascertain the fees of these courts. This was done by the declarations, upon oath, of some of the oldest clergymen in each diocese; and from these declarations it appeared, that the customs that had been immemorially and universally used were these: 1. That the ordinaries in every diocese had been accustomed, time out of mind, to confirm testaments, and to appoint executors to those who died intestate: 2. To sequestrate the goods of the defunct, till their testaments were produced and confirmed: 3. To oblige the executors both of the testate and intestate to take an oath *de fideli*: 4. To oblige them to give an account of their administration. The fees of court appear to have been very moderate. These customs were then formed into a canon or law, to which all the members affixed their seals, and the whole transaction was attested by two notaries.¹⁸

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Another
general
assembly
at Perth.¹⁸ Wilkin. Concil. p. 397.

Cest. XV.
Councils.

The clergy of Scotland did not concern themselves much with the councils of Constance and Basil. During the sitting of the first, they were in the obedience of Benedict XIII.; and after they acknowledged Martin V. they continued in the obedience of him and his successor Eugenius IV., though deposed by the council of Basil. A Scots abbot, whose name is not mentioned, distinguished himself very much in the debates of that council.⁷⁹

Bishop
Kennedy.

When James Kennedy, Bishop of Dunkeld, attended Pope Eugenius and his council at Florence, A.D. 1444., he was elected to succeed Henry Wardlaw in the see of St. Andrew's. Bishop Kennedy was nearly related to the King; and, happily for his country, had great influence in all the affairs both of church and state; as he was one of the wisest statesmen, and best prelates, that Scotland ever produced. By his example and authority, he made as great a reformation in the church, and the manners of the clergy, as it was possible to make, while the pernicious power, absurd doctrines, and superstitious rites, of the church of Rome remained.⁸⁰

Convoca-
tion at
Edin-
burgh.

A kind of convocation of the clergy, or rather a deputation of the clergy and parliament, consisting of thirty-six persons, met in the manse of the vicar of Edinburgh, June 28. A.D. 1445. John Bishop of Brechin was then conservator of the privileges of the church of Scotland, and presided in that meeting; but John Sives, canon of

⁷⁹ Du Pin, Cest. XV. ch. 3.

⁸⁰ Spottiswoode, p. 57.

Glasgow and Aberdeen, and official general of St. Andrew's, (was for what reason I know not) joined with him as an affessor. John Winchester, Bishop of Meray, as procurator for all the clergy, presented two papal bulls, one of Gregory VII. the other of Martin V., and requested that several authentic copies of these bulls might be made; that if the originals should be lost, these copies might bear equal faith. This was done with great formality, and each of the copies attested to be faithful, by all the members of the court, and by three notaries. A custom had prevailed in Scotland, that when the King's officers took possession of the temporalities of a vacant see, they seized also all the goods or personal estate of the deceased bishop. The bull of Gregory VII. prohibited this practice for the future, and declared all who should thereafter be concerned in it excommunicated, the King himself not excepted. The King had complained to Martin V., that Finlaw Bishop of Argyle had joined in a rebellion against him; and when that rebellion was crushed, had fled into a foreign country, and left his diocese destitute of a spiritual father; and that pope, by his bull, granted a commission to the Bishops of St. Andrew's and Dumblane, to examine into the facts in this cause, and report to him, who alone, by the divine appointment, had the government of all the clergy in the world, that he might do justice¹¹. So great was the authority of the

¹¹ Wilkin. Concil. tom. 3. p. 344, &c.

popes,

Cont. XV. popes, and so little the power of kings over the clergy in those times.

Convocation at Perth. King James II. sent Sir Patrick Grahame and Mr. Archibald Whitelaw to a convocation of the clergy at Perth, July 19. A.D. 1459., to demand a declaration from them, “ That the King, by “ ancient custom, had a right to present to all the “ livings in the gift of any bishop, that became “ vacant during the vacancy of the see, and while “ the temporalities were in the King’s hands.” The convocation, after examining several of the clergy upon oath, granted a declaration, conformable to the King’s desire, subscribed by Thomas Spence, Bishop of Aberdeen, conservator; Donald Rede, clerk to the convocation or assembly; and John Petrie, notary-public. *

St. Andrew's made an archbishopric.

That excellent prelate Bishop Kennedy died at St. Andrew’s A.D. 1466., and was succeeded by a near relation of his own, Patrick Grahame, Bishop of Brechin. This prelate being obnoxious to the Boydes, who were then the King’s favourites, had many difficulties to encounter. To avoid the effects of their displeasure, and to obtain the confirmation of his election, he went to the papal court, where he resided several years, not daring to return while his enemies were in power. Being an ingenious and learned man, he ingratiated himself so far into the favour of Pope Sixtus IV., that he erected the see of St. Andrew’s into an archbishopric, and constituted Archbishop Grahame,

* Wilkin. Concil. tom. 3. p. 576.

and

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and his successors, primates of all Scotland, A.D. 1472.⁸³ The new archbishop was also appointed the Pope's legate; and having received intelligence of the fall of his enemies the Boydes, he returned into Scotland, expecting to meet with a favourable reception from his sovereign and his countrymen. But in this he was disappointed. The new honours with which he was adorned having raised the envy of the other prelates, and the new powers with which he was invested as papal legate having excited the fears of many, he found himself surrounded with enemies. By these he was accused of having left the kingdom without a royal licence, of having accepted of the office of papal legate without the King's permission, and of various other delinquencies; for which he was committed to prison, where he died. A.D. 1478.⁸⁴ So unfortunate was the first primate of the church of Scotland; and several of his successors were still more unhappy.

Archbishop Grahame was succeeded by William Shevez, who had been one of his most violent enemies. Shevez, on his return from the university of Louvain, where he had studied under one Spiricus, a famous astrologer of those times, boasted of superior skill in that science; which procured him a presentation to the archdeaconry of St. Andrew's, from James III. who was a great admirer of astrology and astrologers. But the new primate, who had a sovereign contempt for both, refused to admit Shevez to that

Shevez
Archbi-
shop.⁸³ Buchanan, lib. 12. p. 226.⁸⁴ Id. ibid.

Cent. XV. office; who was thereby so much enraged, that he joined with one Locky, rector of the university of St. Andrew's, and the other enemies of the Archbishop, and never ceased to persecute him till he lodged him in a prison, and was appointed his coadjutor and successor.⁴⁵

⁴⁵ Spottiswoode, p. 59.

THE
HISTORY
OF
GREAT BRITAIN.

BOOK V.

CHAP. III.

History of the Constitution, Government, and Laws, of Great Britain, from the accession of Henry IV., A.D. 1399., to the accession of Henry VII., A.D. 1485.

THE kings and people of both the British kingdoms were so much engaged in war in the period we are now examining, that they paid less attention to the improvement of the constitution, government, and laws of their country, than they probably would have done if they had enjoyed more tranquillity. The changes, therefore in these particulars, that took place in this period, and are of such importance as to merit admission, into general history, are not very many,

Constitu-
tion not
much
changed.
and

and may be comprehended within a narrow compass without omitting any thing material. For the same reason it will be sufficient to divide this chapter into two sections; the first containing the constitutional history of England, and the second that of Scotland.

SECTION I.

*History of the Constitution, Government, and Laws, of
England, from A.D. 1399. to A.D. 1485.*

Slavery.

SOME progress seems to have been made, in the course of this period, towards a very happy change in the condition of the lowest order of men in society, by the decline of servitude, and diminution of the number of slaves; though slavery was still too common, and slaves too numerous. Some examples occur, of men, particularly prisoners of war, being bought and sold like cattle; and all that can be said is, that these examples are not so frequent as in former times. Predial slaves, commonly called *villains*, were still very numerous. These unhappy men, with their families, were annexed to the lands on which they dwelt, and transferred with them from one proprietor to another. Their sons could not enter into holy orders without the consent of the owner

of the estate to which they were annexed². They could not prosecute their lordly masters in a court of law, which must have subjected them to many injuries³; and, in a word, they had nothing that they could call their own. When sheriffs attempted (as they sometimes did) to levy a tax on the villains of lords and prelates, for paying a part of the wages of the knights in parliament, a writ issued from chancery, prohibiting them to levy such a tax, “because all the goods in the possession of villains were the property of their lords, who attended parliament.”⁴

But there is sufficient evidence, that the number, not only of domestic, but even of predial slaves, sensibly decreased in the course of this period; and that few of them were to be found, except on the demesnes of prelates and great lords. Other proprietors of estates chose rather to have their lands cultivated by labourers, who were free men; and, at the request of the commons in parliament, many laws were made, for increasing the number, and regulating the wages, of such labourers⁵. By one of these laws, no man who had not an estate worth twenty shillings a-year, equivalent to ten pounds at present, was permitted to put his son to any other employment, but was obliged to bring him up to husbandry work; and if any person applied to such work till he was twelve years

Diminish-
ed.

² Rym. Fœd. tom. 9. p. 69; tom. 11. p. 56.

³ Id. tom. 12. p. 259.
Parliamentary Writs, vol. 4. p. 432.

⁵ Statutes, vol. 1. p. 612.

⁴ Prynne's Kalendar of

of age he was not permitted to abandon it, and, follow any other line of life. *

Causes.

Various causes contributed to the decline of villanage in England. The proprietors of land by degrees discovered, that slaves, who laboured not for themselves, but for their masters, were often indolent or refractory; and that they got their work performed to better purpose, and even at less expence, by hired servants. But the almost incessant wars in which the English were engaged in this period, contributed more than any thing to the decline of slavery, by obliging prelates, lords, and great men, to put arms into the hands of their villains. There is hardly any evil that doth not produce some good.

Viscounts.

A new order of nobles was instituted by Henry VI. A.D. 1440. They were styled *viscounts*, and placed between earls and barons, below the former, and above the latter. John Lord Beaumont, the first nobleman of this order, was created Viscount Beaumont, in full parliament, at Reading, February 12., that year.¹

Parlia-
ment.

As the parliament hath long been the great fountain of law, and supreme court of judicature, the guardian of the just prerogatives of the crown and the legal liberties of the people, it merits particular attention in every period. That this august court hath undergone various changes in its con-

* Statutes, vol. I. p. 470.

² Selden's Titles of Honour, p. 680. Dugdale's Baronage, vol. 2. p. 54. My authorities have perhaps mistaken the date of this creation a few years.

stitution,

stitution, hath been already proved ; and several of these changes, with their causes and effects, have been briefly described, in their proper places, in the former volumes of this work*. The description that hath been already given of the constituent members of both houses of parliament in the reign of Richard II., will give our readers a sufficient idea of these houses, as they were constituted in the beginning of this period ; and therefore, to prevent repetitions, they are referred to that description. *

As soon as the smaller freeholders, who were not summoned by particular writs, were excused from appearing personally in parliament, and permitted to appear by representatives, the elections of these representatives, their wages and their privileges, became the subjects of various laws and political regulations, which had a great influence on the constitution of the house of commons.

At first, and from A.D. 1269. to A.D. 1429., all freeholders, without exception, had votes in electing the knights of the shires in which they resided and had their freeholds. In some counties the small freeholders were very numerous, and many of them very indigent, which produced various inconveniences, and sometimes rendered the elections of the representatives of these counties scenes of riot, violence, and slaughter. To remedy

* See vol. 3. p. 368—376. vol. 6. p. 28—32. vol. 8. book 4. ch. 3.
§ 1—5.

* See vol. 8. book 4. ch. 3. § 5.

these evils, a law was made, 8th Henry VI. A.D. 1429., “ That the knights of the shires shall be chosen in every county by people dwelling and resident in the same counties, whereof every one of them shall have free land or tenement to the value of forty shillings by the year at least, above all deductions ”.¹⁰ The letter, but not the spirit, of this law, hath been ever since observed; for forty shillings a-year, A.D. 1429., was equivalent to 20l. a-year, A.D. 1784. The representatives of cities and burghs were chosen only by those who actually resided in the cities and boroughs which they represented; but whether by the citizens and burgesses at large, or by the corporations, is not very clear.¹¹ The custom, it is probable, was different in different places; and custom by long continuance became law. That these laws might be more strictly observed, they were inserted *verbatim* in the writs to sheriffs, for some years after they were made.¹²

Elected.

The King in his writs to the sheriffs, described the qualifications of the persons who were to be elected to represent counties, cities, and boroughs. The freeholders in each county were directed to chuse “ two of the fittest and most discreet knights resident in the county ”;¹³ but because actual knights residing and properly qualified sometimes could not be found, an act was made, 23d

¹⁰ Statutes, 8th Hen. VI. c. 7.; 10th Hen. VI. c. 2.

¹¹ 1st Hen. V. c. 1.
Parliamentary Writs, vol. 2. p. 134, &c.

¹² Prynne’s Survey of
¹³ Id. ibid.

Henry

Henry VI., A.D. 1444., permitting freeholders to chuse " notable esquires, gentlemen by birth, " and qualified to be made knights; but no yeoman, or person of an inferior rank ¹⁴." This article of that act was inserted in the subsequent writs for some years, that it might be universally known and observed ¹⁵. Those gentlemen who had freehold-estates of 40l. a year, equivalent to 400l. at present, were qualified to be made knights, which was therefore the qualification in point of fortune for the representative of a county ¹⁶. By the same writs, the electors in cities and boroughs were directed to chuse the fittest and most discreet persons, freemen of, and residing in, the places for which they were chosen, and no others upon any pretence ¹⁷. The parliamentary writs in this period directed electors in counties, cities, and boroughs to chuse, not only the wisest, but the stoutest men (*potentiores ad laborandum*), that they might be able to endure the fatigue of the journey, and of close attendance; it being one great object of the legislature, at this time, to secure the constant attendance of all the members of the house of commons ¹⁸. Sheriffs could not be elected; and Henry IV., in the fifth year of his reign, inserted an uncommon clause in his writs, prohibiting all apprentices, or other men

¹⁴ Stat. 23d Hen. VI. c. 14.

¹⁵ Prynne's Survey of Parliamentary Writs, vol. 2. p. 135.

¹⁶ Rym. Fed. tom. 8. p. 656.

¹⁷ 1st Hen. V. ch. 1.

¹⁸ Prynne, *paffim.*

of law, to be elected¹⁹. But this was a violent stretch of prerogative; and though it was obeyed, it was not repeated.

Number of
burghesses
uncertain.

The number of boroughs that sent members to parliament in this period was very unsettled, and seems to have depended very much on the pleasure of the sheriffs of the several counties. There is the clearest evidence, that the sheriffs of the same county sent precepts to, and made returns from, sometimes more and sometimes fewer boroughs, without affixing any reason for their conduct; that some boroughs to which precepts were sent never elected or returned any members, and some only once, twice, or a few times; that sheriffs, in their returns, sometimes reported, that certain boroughs to which they had directed precepts, had made no returns, and no excuses for their disobedience; and others had excused themselves by pleading poverty²⁰. These and several other irregularities that might be mentioned, afford sufficient evidence, that the constitution of the house of commons was yet far from perfection; and, in particular, that the number of its members was not ascertained.

Irregularities in
elections.

Several laws were made in this period for regulating the manner of proceeding in the election of members to the house of commons, and for preventing false returns; for which the reader must be referred to the statute-book, as they are too vo-

¹⁹ Prynne, vol. 2. p. 123. Walfing. p. 371.

²⁰ Prynne's *Brevia Parliamentaria Rediviva*, vol. 3. § 7. p. 223.

luminous to be here inserted²¹. But notwithstanding all these laws, some surprising irregularities were practised in elections, of which it will be sufficient to give a few examples. The knights for the large, rich, and populous county of York were chosen, 13th Henry IV. A. D. 1411., and 2d Henry V. A. D. 1414., not by the freeholders, but by the attorneys of a few lords and ladies who had great estates in that county; and this irregular practice continued to A.D. 1447., when the freeholders resumed their violated rights²². Many of the knights, citizens, and burgesses in the parliament that met at Coventry, 38th Henry VI. A. D. 1460., had not so much as the shadow of an election, but were named by the King, in letters under the privy seal, and returned by the sheriffs, who obtained an act of indemnity for that outrageous breach of their trust²³. But that assembly at Coventry was rather a meeting of the heads of a party in the time of a bloody civil war, than a parliament; and all its acts were rescinded the very next year.²⁴

The sheriffs, in this period, were guilty of many great abuses in conducting elections and making their returns. This appears from various monuments, and particularly from the following preamble to an act of parliament, 23d Henry VI.

²¹ See 7th Hen. IV. c. 15. 1st Hen. V. c. 1. 6th Henry VI. c. 4. 8th Hen. VI. c. 7. 10th Hen. VI. c. 2. 23d Hen. VI. c. 15.

²² Prynne, *Brevia Parliamentaria Rediviva*, v. 3. p. 152—154.

²³ Parl. Hist. v. 2. p. 288—292. Prynne, vol. 2. p. 141.

²⁴ 39th Hen. VI.

A.D. 1444.—“ Diverse sheriffs of the counties of
 “ the realm of England, for their singular avail
 “ and lucre, have not made due elections of the
 “ knights, nor in convenient time, nor good men
 “ and true returned, and sometimes no return of
 “ the knights, citizens, and burgeesses, lawfully
 “ chosen to come to the parliament; but such
 “ knights, citizens, and burgeesses, have been re-
 “ turned which were never duly chosen, and
 “ other citizens and burgeesses than those which,
 “ by the mayors and bailiffs, were to the said
 “ sheriffs returned. And sometimes the sheriffs
 “ have not returned the writs which they had to
 “ make, of elections of knights to come to the
 “ parliaments; but the said writs have imbibiled;
 “ and moreover made no precept to the mayor
 “ and bailiff, or to the bailiff or bailiffs, where no
 “ mayor is, of cities and boroughs, for the
 “ election of citizens and burgeesses to come to
 “ the parliament.”²⁵

Redress
for a false
return.

A candidate who thought himself injured by a false return, did not (if I am not mistaken and misled by the authorities I have quoted) apply to the house of commons for redress, and for the punishment of the sheriff who had injured him, but pursued such other methods as were then pointed out by law and custom. By an act 11th Henry IV. A.D. 1409., the injured candidate might bring an action before the justices of assize, and if the sheriff was found guilty by the verdict of a jury, he was to be fined 100l. (equivalent to

²⁵ 23d Hen. VI. c. 14.

1000l.

1000l. at present), to the King, and the member who had been falsely returned to lose his wages²⁶. By another act, 8th Henry VI., A.D. 1429., a sheriff found guilty of a false return, besides paying the above fine, was to be imprisoned a whole year²⁷. By a third act, 23d Henry VI. 1444., a convicted sheriff, besides the above fine, was to pay 100l. to the injured candidate, or any other person who sued for it²⁸. This was a very severe law, as it subjected a sheriff to a fine equivalent to 2000l. besides a whole year's imprisonment; but the reason of this severity seems to have been, that parliaments were then so short, that a member deprived of his seat by a false return could hardly ever recover it in time. Electors and candidates who thought themselves injured, sometimes applied by petition to the King for redress.²⁹

All the members of the house of peers always attended parliaments at their own expence, that being one of the services they were obliged to perform for the baronies they held of the crown. But as soon as the smaller tenants of the King *in capite*, or freeholders, were permitted to appear by representatives, they were subjected to pay the expences or wages of these representatives. This custom, of representatives receiving, and their constituents paying wages, commenced with the commencement of representation, from a principle of common equity, without any positive law; and on that footing it continued from

Members
received
wages.

²⁶ 11th Hen. IV. c. 1.

²⁷ 8th Hen. VI. c. 7.

²⁸ 23d Henry VI. c. 14.

²⁹ Prynne, vol. 3. p. 157.

49th Henry III. A.D. 1265., to the 18th Richard II. A.D. 1394., when a law was made to remove some doubts that had arisen about the persons bound to contribute to the payment of the wages of the representatives of counties³⁰. The wages of knights of shires were always higher than those of citizens and burghesses, because they were really persons of a higher rank, and lived in a more expensive manner. For more than a century the wages of the members of the house of commons were sometimes higher and sometimes lower; but at length, in the reign of Edward III., they became fixed to 4s. a-day for a knight of a shire, and 2s. a-day for a citizen or burgher, and continued at that rate as long as they continued to be paid³¹. Nor was this at first an incompetent sum, as 4s. then was equivalent to 40s. at present. The proudest and most opulent knights thought it no dishonour to receive their wages, and even to sue for them; and no man in those times imagined that this custom ever could or would be changed, as it was so reasonable, and productive of so many good effects; particularly it engaged the attendance of all the members to the very last day of every session, because those who did not attend from the first to the last day received no wages; and their negligence could not be concealed from their constituents. Accordingly we often find all the members present, and receiving

³⁰ Prynne, vol. 4. p. 400.

³¹ Id. ibid. p. 78. *et passim.*

writs for their expences at the dissolution of a parliament.³²

As the members of the house of commons received wages for their services, so they enjoyed certain privileges, to enable them to earn their wages, by performing their services. Their own persons, therefore, and the persons of their necessary servants and attendants, were secured from arrests, in going to, attending upon, and returning from parliament; but not in the intervals between one session of parliament and another. In a word, their pay, their privileges, and their services, commenced and ended at the same time, *i. e.* they commenced as many days before the beginning of a session as enabled them to travel from their own houses to the place where the parliament was to meet; they continued during the continuance of the session, and as many days after as enabled them to return home, and not one day longer³³. When the commons imagined that any of their number had been deprived of their privileges, they applied, by petition, to the King, or house of lords, or to both, for redress; of which we meet with many authentic proofs and examples in the work quoted below³⁴. These petitions were sometimes unsuccessful, as appears from the famous case of Thomas Thorpe, speaker of the house of commons, A.D. 1452,³⁵

³² See Prynne's Register of Parliamentary Writs, vol. 4. *passim*.

³³ Id. ibid. vol. 5. p. 625—699.

³⁴ Id. ibid. p. 678—690. 722. 730. 736—744. 747—751.
766—776. 850—853.

³⁵ Id. ibid. p. 678—690.

Convoca-
tions.

Convocations were also summoned to the same place, at the same time with parliaments, by writs directed to the archbishops and bishops, commanding them to attend in person, to consult with the other prelates and nobles; enjoining them also to issue precepts to their deans and chapters, their archdeacons and clergy, requiring the deans and archdeacons to attend in person, each chapter to send one proctor, and the clergy of each diocese to send two proctors, “to consent to those things “ which should be ordained by the common coun- “ cil of the kingdom”³⁶. This was the uniform tenor of the clerical writs in this period; and as the deans, archdeacons, and proctors of the inferior clergy, had only a power of consenting, and not of consulting, it is not probable that they were now considered as members of the house of commons; though in the parliament of Ireland (which was originally formed on the model of that of England) they continued to be members of the house of commons long after this, till they were excluded by an act of parliament, 28th Henry VIII. A.D. 1536., because they supported the authority of the Pope, and obstructed the reformation of the church³⁷. The proctors of the clergy, however, received wages from their constituents, and enjoyed all the other privileges of the members of the house of commons³⁸. The clergy still continued to grant their own money in their convocations;

³⁶ Dugdale's Summons to Parliament, *paffim*.

³⁷ Prynne, vol. 4. p. 596.

³⁸ Id. ibid. p. 437. 599. Statutes, 8th Hen. VI. ch. 1.

but

but their grants were not effectual till they were confirmed in parliament.³⁹

The clergy of England had great influence in all the public councils of the kingdom, and particularly in parliament, in this period. This was not so much owing to their superiority in learning and sanctity, which they did not very much affect, as to their constant residence in the kingdom, and presence in these councils, while the nobles and great men were engaged in warlike expeditions into France or Scotland. Besides all the archbishops and bishops, twenty-five abbots and two priors were summoned to every parliament, and sometimes many more, which made the spiritual lords generally double the number of the temporal lords in the house of peers⁴⁰. This enabled the prelates to procure sanguinary laws against heretics, and to secure the immense possessions of the church, together with all her absurd errors and wretched superstitions, from all attacks.⁴¹

One of the most important changes in the method of conducting business in the parliament of England, that occurred in the course of this period, was in the manner of framing laws or acts of parliament. In the former period, "the commons, towards the conclusion of every session, presented, in the presence of the lords, certain petitions, for the redress of grievances,

Influence
of the
clergy.

Method of
making
laws.

³⁹ Pryme, p. 594, 595.

⁴⁰ Pryme's Register of Writs, vol. I. p. 141.

⁴¹ 1st Hen. IV. ch. 15. 2d Hen. V. ch. 7. Walsingham, p. 571, 372.

“ to the King, which he either granted, denied, or delayed. Those petitions that were granted were afterwards put into the form of statutes, by the judges and other members of the King’s council, inserted in the statute-roll, and transmitted to sheriffs, to be promulgated in their county-courts⁴². ” This was certainly a very loose inaccurate method of conducting a business of so much importance ; and the commons complained that some of the statutes did not correspond to their petitions, nay that some statutes appeared in the statute-roll for which they had not petitioned, and to which they had never given their consent⁴³. To prevent such dangerous abuses, the commons began to draw up their petitions in a more correct manner, and at greater length, than formerly, in the reign of Henry V., and saw them formed into acts, by the judges, before the session ended. In the next reign, they became still more expert in business, and drew up their petitions in the form of bills or acts, as they wished them to be passed into laws ; and when all these acts prepared in one session had been examined and agreed to by the lords, and had received the royal assent, the enacting clause was prefixed to the whole system, most commonly in these or such words as these :—“ The King, by the advice and assent of the lords spiritual and temporal, and at the special request of the commons, hath ordained and established cer-

⁴² See vol. 8. ch. 3. § 4.

⁴³ See vol. 8. ch. 3. § 4.

"tain ordinances and statutes⁴⁴." This was a great improvement in the art of legislation, which advanced by very slow degrees towards perfection.

The sessions of parliament were still very short; Shortness
of parlia-
ments. and many of them had only one, and few of them above two or three sessions. The last parliament of Richard II., which also may be called the first of Henry IV., sat only one day, September 30., A.D. 1399.; and in that short session, deposed one king, and placed another on the throne; which hasty transaction was productive of many calamities, and brought the kingdom to the brink of ruin⁴⁵. The two longest parliaments in this period were those of the 8th Henry IV. A.D. 1407., and 23d Henry VI. A.D. 1446.; the former of which sat, in three sessions, 159 days, and the latter, in four sessions, 178 days: but both the members and their constituents complained of the length of these parliaments; the members, for being so long detained from their business and diversions in the country, in which they delighted; and their constituents on account of the wages of their representatives, which amounted to considerable sums⁴⁶. The wages, for example, of the two knights of the shire for Cumberland, in the first of these parliaments, amounted to 80l. 8s. equivalent to 800l. at present; because, besides the 159 days that the three sessions lasted, they were

⁴⁴ Blackstone's Commentaries, vol. I. p. 175. Statutes at Large, vol. I. *passim.*

⁴⁵ Prynne, vol. 4. p. 449, 450. Walsingham, p. 359.

⁴⁶ Prynne, vol. 4. p. 482. 526. Hollingshead, p. 532.

allowed wages for forty-two days for their three journeys.⁴⁷

Statute
law.

About fifty systems or bodies of laws were made, in so many different sessions of parliaments, in the course of this period, some of them containing only a few, and others of them between twenty and thirty statutes, on too great a variety of subjects to be here enumerated⁴⁸. Some of them were intended to explain, amend, or revive former laws, and others in affirmance of the common law, or for supplying its defects, by inflicting severer penalties on certain crimes, and providing new remedies for new disorders. It seems still to have been a prevailing opinion in the first part of this period, that the authority of laws was weakened, if not destroyed, by the death of the prince under whom they had been made; and therefore both Henry IV. and Henry V., soon after their accession, confirmed the great charter, and the charter of the forests, with all other laws that had not been repealed⁴⁹. But though these two famous charters were thus twice confirmed in this period, it was only in common with all other statutes; and it plainly appears, that they were not so much insisted upon, or attended to, by the people of England, as they had been when the remembrance of them was more recent. Some severe, or rather cruel laws, were made by Henry IV. and Henry V. against

⁴⁷ Prynne, vol. 4. p. 478.

⁴⁸ See Statutes at Large, vol. 1, 2.

⁴⁹ Statutes, 1st Hen. IV. ch. 1. 4th Hen. V. ch. 1.

the followers of Wickliffe, who were called heretics and Lollards, and, when convicted, were confined to the flames⁵⁰. These laws were probably procured by the influence of the clergy, whose favour was much courted by both these princes. Additional powers were granted to justices of the peace; and various laws were made for regulating their qualifications and proceedings⁵¹. The statutes of this period were very unfriendly to strangers who traded or settled in England, particularly to the Welsh and Irish⁵². Some excellent laws for the regulation and encouragement of trade and manufactures were made in the reign of Edward IV., who was himself one of the greatest merchants in Europe, and paid great attention to commerce⁵³. The statutes of Richard III. were the first that were expressed in the English language, all former statutes having been either in Latin or French; which were not understood by the great body of the people, or even by many of the legislators⁵⁴. These were also the first statutes of England that were printed. But as many of the statute laws of this period have been effectually repealed by length of time and change of circumstances, as well as by subsequent statutes, it doth not seem to be necessary to give a

⁵⁰ 2d Hen. IV. ch. 15.; 2d Hen. V. ch. 7.

⁵¹ 4th Hen. IV. ch. 9.; 5th, ch. 10.; 13th, ch. 7.; 2d Hen. V. ch. 4.; 2d Statutes, ch. 1.; 2d Hen. VI. ch. 9.; 6th, ch. 3. &c. &c.

⁵² 2d Hen. IV. ch. 16.; 4th, ch. 16—34.; 9th, ch. 3.; 1st Hen. V. ch. 6.; 4th, ch. 6.; 1st Hen. VI. ch. 3. &c. &c.

⁵³ See stat. Edward IV.

⁵⁴ See stat. Rich. III.

more particular account of them in a general history.⁵⁵

Judges
and their
salaries.

The courts of law in England continued nearly on the same footing in this as in the former period. The number of judges in the courts at Westminster was not yet fixed; as, in the reign of Henry VI., there were sometimes five, six, seven, and at one time eight judges, in the court of Common Pleas⁵⁶. The ancient salaries of these judges were very small, viz. to the chief justice of the King's Bench, 40l. a-year, to the chief justice of the Common Pleas, 40l., and to each of the other judges in these two courts, 40 marks. Henry VI., by letters patent, granted an additional salary,—to the chief justice of the King's Bench, of 180 marks, or 120l., which made his whole salary 160l., equivalent to 1,600l.;—to the chief justice of the Common Pleas, of 93l. 6s. 8d., which made his whole salary 130l. 6s. 8d., equivalent to 1,300l.;—to each of the other judges, 110 marks, which made the whole salary of each judge 100l., equivalent to 1,000l. at present. Besides these salaries, each judge had a certain quantity of silk, linen-cloth, and furs, for his summer and winter robes, out of the royal wardrobe, or an equivalent in money. All these judges were also justices of assize, for which each had a salary of 20l. equivalent to 200l. What other perquisites or profits were

⁵⁵ See many ingenious remarks on the statutes of this period, in the Hon. Judge Barrington's *Observations on the Statutes*.

⁵⁶ Dugdale's *Origines Juridicale*, p. 39.

annexed

annexed to their offices) which they held only during pleasure) I have not discovered. The winter-robcs of each judge cost 5l. 6s. 11*1*d. equivalent to 53l. 10s.; and his summer-robcs 3l. 3s. 6d. equivalent to 31l. 15s. The annual salary of the attorney-general was only 10l., equivalent to 100l. He was allowed only one robe, worth 1l. 6s. 11d. equivalent to 13l. 10s. All the judges and the attorney-general presented a petition to the King in parliament, A.D. 1439., complaining that their salaries were too small, and ill paid; and that, if they did not obtain redress, they would be obliged to resign their offices. It doth not appear that they obtained any addition: but an act was made, that they should be regularly paid, twice a-year, by the clerk of the Hanaper⁵⁷. When a judge was admitted into his office, he took a solemn oath, " That he would not receive " any fee, pension, gift, reward, or bribe, of any " man having suite or plea before him, saving " meat and drink, which should be of no great " value."⁵⁸

Great and just complaints were made, in this as well as in former periods, of the corrupt and imperfect administration of justice. This was owing to several causes, besides the insufficient salaries

Corrupt
adminis-
tration of
justice.

⁵⁷ Dugdale's *Origines Juridicales*, p. 105—110.

⁵⁸ Fortescue de Laudibus Legum Anglie, c. 51. Statutes, A.D. 1344. The whole fees or salaries of the treasurer of England, keeper of the privy seal, the judges of both benches, the barons of the exchequer, and other officers of these courts, A.D. 1421, amounted only to 3000l. equivalent to 30,000l. at present. Rym. Fed. tom. 10. p. 113.

and precarious situation of the judges. Maintenance, as it was called, still prevailed; by which great numbers of people confederated together, under one head, whose livery they wore, to defend each other in all their claims and pleas, whether they were just or unjust. These confederates laid all the peaceable people around them under contribution, not to harass them by vexatious law-suits¹⁹. The exemptions which the clergy claimed from the jurisdiction of the civil courts, made it almost impossible for the laity to compel their spiritual guides to do them common justice by a legal process. The great number of sanctuaries in all parts of the kingdom, protected many from the punishment due to their crimes, and from the payment of their debts. Perjury was a reigning vice in this period; and we are told by the prelates and clergy of the province of Canterbury, in convocation, A. D. 1439., that great numbers of people had no other trade but that of hiring themselves for witnesses, or taking bribes when they were on juries²⁰. But the violent factions, and cruel civil wars, of those times, were the greatest obstacles to the regular impartial administration of justice. The truth is, the people of England, in this period, were frequently under a kind of military government; and the high constable was invested with authority to put the greatest subjects in the kingdom to death without noise, or so much as observing

¹⁹ Wilkin. Concil. tom. 3. p. 534.

²⁰ Id. ibid.

the forms of law, when ever he was convinced in his own mind that they were guilty, as appears from an article in his commission, quoted below⁶¹. This extraordinary commission was sometimes executed in its full extent; and several persons of high rank were put to death, without any inquiry after evidence, as our readers must have observed. But when the constable wished to have some appearance of proof, and could not obtain it in any other way, he sometimes had recourse to torture. Of this it may be proper to give one example. One Cornelius Shoemaker, being seized at Queenborough, A.D. 1468., and letters found upon him from Queen Margaret, then in France, he was tortured by fire, to make him discover the names of the noblemen and gentlemen who corresponded with the exiled Queen⁶². The famous rack in the tower of London, called *the Duke of Exeter's daughter*, because invented by that Duke when he was constable, is well known.

But if justice was not well administered in this period, it was not owing to a want or scarcity of lawyers or attorneys. According to the account given us by Sir John Fortescue, chief justice of the King's Bench in the reign of Henry VI. there were no fewer than 2000 students of law, in the

Lawyers
and attor-
nies.

⁶¹ Plenam potestatem et auctoritatem damus et committimus ad cognoscendum et procedendum in omnibus et singulis causis et negotiis de et super criminibus lese maiestatis, seu ipsius occasione, ceterisque causis quibuscumque, summarie et de plano, sine strepitu et figura judicii, &c. &c. Rym. Fœd. tom. II. p. 522.

⁶² W. Wyrcester, p. 515.

inns of chancery and the inns of court in his time⁶³. Attorneys had become so numerous about the same time, in some parts of England, particularly in Norfolk and Suffolk, that an act of parliament was made, 33d Henry VI., A.D. 1455., restricting their number in these two counties to fourteen, six in each county, and two in the city of Norwich.⁶⁴

Common
law.

The following description of the common law in this period, taken from the learned historian of that law, is, I believe, both the best and shortest that can be given. " Touching the reports of " the years and terms of Henry IV. and Henry V. " I can only say, they do not arrive, either in the " nature of the learning contained in them, or in " the judiciousness or knowledge of the judges " and pleaders, nor in any other respect arise to " the perfection of the last twelve years of Ed- " ward III. But the times of Henry VI., as " also of Edward IV. and Edward V., were times " that abounded with learned and excellent " men. There is little odds in the usefulness and " learning of these books, only the first part of " Henry VI. is more barren, spending itself " much in learning of little moment, and now " out of use; but the second part is full of excel- " lent learning."⁶⁵

Court of
Chancery.

Though that remarkable singularity in the Eng- lish constitution, the court of equity in Chancery,

⁶³ Fortescue de Landibus Legum Angliae, ch. 49.

⁶⁴ Statutes, 33d Hen. VI. ch. 7.

⁶⁵ Hale's History of the Common Law, p. 171.

is not of great antiquity, it is not easy to trace it to its origin, or to discover the precise time and occasion of its establishment. It is most probable that it was introduced by certain steps and practices, which slowly and insensibly led to such an institution. In former times, when a person thought himself greatly injured by a sentence of the supreme courts of law, he applied by a representation of his case, and a petition for redress, to the King, the fountain of justice. After our kings desisted from administering justice in such cases in their own persons, these representations and petitions were commonly, and at length constantly, referred to the lord chancellor, the keeper of the King's conscience, one of the greatest officers of the crown and wisest men in the kingdom. By a long continuance of this practice, the chancellor came to be considered, both by our kings and their subjects, as the officer whose province it was to mitigate the rigorous sentences of strict law, by the milder decisions of equity and mercy. John Waltham, Bishop of Salisbury, and chancellor to Richard II., invented, it is said, the writ of *subpœna*, returnable only in chancery, in order to bring feoffees of land to uses, directly into that court, to make them accountable to those for whose use they held the lands⁶⁶. These writs were soon after applied for and obtained in other cases; which greatly increased the business of the court of equity in chancery, and gave umbrage to the courts of

⁶⁶ Blackstone, vol. 3. p. 51, 52.

common

common law⁶⁷. A small check was given to this by an act of parliament, 17th Richard II., A.D. 1393., by empowering the chancellor to give damages to the injured party, when he found that a cause had been brought before him on untrue suggestions⁶⁸. This, however, and another still stronger, 15th Henry VI., A.D. 1436., did not satisfy the common lawyers; and the house of commons, at their request, petitioned the King in parliament, 14th Edward IV., A.D. 1474, to suppress the writ of *subpoena*. But that petition was refused: and the court of equity in chancery was fully established, and its business continued to increase⁶⁹. All the chancellors of England in this period were clergymen; and this triumph over the courts of common law was chiefly obtained by the influence of the clergy, who had long viewed these courts with an unfriendly eye, as they did not favour their exorbitant claims. For a more particular account of the courts of law than is competent to general history, the reader may consult the excellent work quoted below.⁷⁰

Ordinary
revenues.

The revenues of the kings of England in this period, as well as their charges and expences, may be divided into ordinary and extraordinary. It is not necessary to give a very minute description of the hereditary, stated, and ordinary revenues of the kings of England in this period, as the sources of

⁶⁷ Blackstone, vol. 3. p. 51, 52.

⁶⁸ Statutes, 17th Rich. II. ch. 6.

⁶⁹ Cotton's Record's p. 410. 422. 424. 548.

⁷⁰ Judge Blackstone's Commentaries, vol. 3. ch. 4, 5, 6.

them

them have been already enumerated at full length⁷¹. The crown-lands, with the wardships and marriages of those who held of the crown *in capite*, still formed one of the chief sources of its ordinary revenue. The crown lands, or royal demesnes, in the reign of William the Conqueror, and some of his successors, were of immense extent and great value; and, together with the various prestations of their feudal tenants, were abundantly sufficient to support them in affluence and splendour, with little or no dependence on their subjects. But succeeding princes, by engaging in unnecessary and expensive wars;—by liberal, profuse, imprudent grants;—by founding and endowing monasteries;—and by other means, gradually and greatly diminished the royal demesnes. It is difficult to determine whether those kings who were despised for their weakness and superstition, or those who were celebrated for their valour and ambition, contributed most to produce this effect. The victorious Henry V. not only pawned his crown, his jewels, and his furniture, but alienated so many of the crown-lands, that in the last year of his reign, the remainder of them, with the wardship and marriages of his vassals, yielded only 15,066l. 11s. 1d. equivalent to 150,671l. 11s. 10d.⁷² This fund of the ordinary revenues of the crown sometimes received great accessions, by resumptions and confiscations. Edward IV., after the battles of Barnet and Tewksbury, A.D. 1471., by the confiscation

⁷¹ See vol. 6. ch. 3. § 2.

⁷² Rym. Fœd. tom. 10. p. 113.
of

of the great estates of the Duke of Somerset, the Marquis of Montacute, the Earl of Warwick, and all the chief men of the Lancastrian party, “ had “ (to use the words of Sir John Fortescue) live-“ lood in lordschippislands, tenements, and rents, “ nerchand to the value of the fifth part of his “ realme, above the possessions of the churche; “ by which livelood if it had abyden styl in his “ hands, he had been more myghty of good re-“ venuz, than any king that now reynith upon “ Christen men⁷³. ” He says further, that if the King had kept all this land, “ he schuld have had “ lyvelood suffycient for the maintenaunce of his “ astate⁷⁴. ” At the same time he relates in what manner all that immense accession of landed property was soon alienated, and the King reduced to a state of dependence upon his subjects for extraordinary aids in parliament⁷⁵. This constant dissipation of the landed property of the crown was not altogether owing to the imprudent profusion of princes, but was almost unavoidable; because money being very scarce, they had hardly any other way of gratifying favourites, or rewarding services, but by grants of lands.

Customs,
sc.

The several customs and duties on merchandise, though imposed by parliament, were, in this period, reckoned amongst the ordinary stated revenues of the crown, because they were granted to every king, as it were, of course. In that account

⁷³ Sir John Fortescue, on the difference between absolute and limited monarchy, p. 83, 84.

⁷⁴ Id. p. 85.

⁷⁵ Id. p. 84, 85.

deli-

delivered to Henry V. at Lambeth, A.D. 1421., by William Kenwolmersh, dean of St. Martin's, London, treasurer of England, all these customs and duties amounted to 40,687l. 19s. 9½d. a-year, equivalent to 406,880l. of our money at present. By that account it also appears ; that the whole stated revenue of the crown of England for that year amounted to no more than 55,754l. 10s. 10½d., which (neglecting the fractions) was equivalent to 557,540l.⁷⁶ From that very curious account, it is likewise evident, that Henry V. after paying his guards and garrisons,—the expences of his civil government—the salaries of the collectors, &c. of his customs—and pensions, to dukes, earls, knights, &c., which were charges on his ordinary revenue, had only 3,507l. 13s. 11½d., equivalent to 35,077l. remaining, to defray all the expences — of his household, — his wardrobe, — his works, — his embassies, and various other charges : a sum altogether incompetent to answer those purposes, as the expence of the King's household alone amounted, in those times, to about 20,000l., equivalent to 200,000l. at present⁷⁷. The same account also represents, that many of the debts of his father, Henry IV., and his own debts contracted when he was Prince of Wales, were still unpaid, and that great arrears were owing of salaries and pensions, and to his garrisons, his household, and his wardrobe. From this authentic account of the ordinary

⁷⁶ Fortescue, p. 84, 85. Anderson's History of Commerce, vol. I. p. 284.

⁷⁷ Anderson's History of Commerce, vol. I. p. 237.

révenues

revenues of the crown of England, and of the ordinary charges upon these revenues, we need not be surprised that all our kings in this period lived in straits, and died deeply involved in debt, Edward IV. alone excepted. As that prince succeeded to an enemy, and an usurper, he paid none of his predecessor's debts. He was a good economist, and a great merchant, and used various means to get money with which other kings were unacquainted, besides the large pension from the King of France, which he enjoyed several years.

Extraordinary revenues.

The extraordinary revenues of the crown of England were such as were granted by parliament, not of course, but on particular occasions, to answer particular purposes. These grants were made, upon the application of the King by his ministers, most frequently to defray the expences of a war, for which the ordinary revenues of the crown were quite inadequate. They consisted chiefly of tenths or fifteenths of all the moveable goods both of the clergy and laity, to which the King had no right, till they were voluntarily given him by the clergy in convocation, and by the laity in parliament. These tenths and fifteenths were paid according to a value set upon every person's goods, by commissioners appointed for that purpose in every district, both in town and country, and yielded sometimes more, sometimes less, as they were more carefully or more carelessly collected, or as the kingdom was in a flourishing or declining state. The people sometimes endeavoured to avoid paying their due proportion of tenths and fifteenths, by removing their

their cattle and goods to some distance, before the commissioners came to take an account of them; to prevent which an act of parliament was made, A.D. 1407., that all persons, and particularly foreigners, should pay according to the cattle and goods they had in any place, on the day on which the act for a tenth or fifteenth was passed; and that the district, town, or county, should pay for all the cattle and goods that were removed after that day⁷⁸. This made the people spies upon one another. Sometimes parliament granted a tax upon lands and offices above a certain value; sometimes imposed additional duties upon certain commodities for a limited time; and on a few occasions imposed a poll-tax⁷⁹. But these extraordinary aids frequently fell short of answering the purposes for which they were given, and added to the difficulties and debts of the prince to whom they were granted. The preservation of Calais and the castles in its little territory, and the defence of the borders against the Scots, were heavy loads on the revenues of the kings of England in this period. These two charges were nearly equal, and (if there is no mistake in the record of the transcript) amounted to £38,619 : 5 : 10, equivalent to £386,210 : 18 : 4.⁸⁰ In a word, it was the great misfortune of the people of England in this period, that they were almost constantly engaged in war; for though some of these wars were glorious, none

⁷⁸ Roth Hen. IV. c. 7.

⁷⁹ Parl. Hist. v. 2. p. 124. 368—372.

⁸⁰ Rym. Fed. tom. 10. p. 113.

of them were advantageous; and most of them were very pernicious to the prosperity of the kingdom—by diminishing population—by obstructing the progress of arts and commerce—and by involving our kings in debt, after they had extorted more money from their subjects than they could well afford to pay. When will ambition listen to the voice of reason and humanity, and permit mankind to enjoy the gifts of nature and providence in peace?

Illegal
methods
of raising
money.

When all the ordinary and extraordinary revenues of the crown proved insufficient to defray the expences of a war, our kings had recourse to various expedients, some of them neither honourable nor lawful, to procure money. Edward IV., for example, not only carried on trade like a common merchant, but also solicited charities, which he called benevolences or free gifts, like a common, or rather like a sturdy beggar. Having expended all the aids granted to him by parliament, in preparing for an expedition into France, A.D. 1475.; he sent for all the rich lords, ladies, gentlemen, and merchants, of whom he had procured a list, received them with the most captivating affability, represented the greatness of his necessities, and earnestly intreated them to grant him as great a free gift as they could afford, accompanying his entreaties with smiles and promises, or frowns and threats, as he saw occasion. Being a handsome, gallant, courteous, and popular prince, he was exceedingly successful in his solicitations, particularly with the ladies, and collected a greater mass of money than had ever been in

the possession of a king of England⁸¹. This mode of raising money appeared to be so dangerous to the liberties of the kingdom, as well as hurtful to particular persons, who were induced to contribute more than they could afford, that an act of parliament was made against it 1st Richard III., A.D. 1483.; and in the preamble of that act, the pernicious effects of it are painted in very strong colours: “ Many worshipful men of this realm, by occasion of that benevolence, were compelled by necessity to break up their house-holds, and to live in great penury and wretchedness, their debts unpaid, their children unpreferred, and such memorials as they had ordained to be done for the wealth of their souls, were anentized and annulled, to the great displeasure of God, and destruction of this realm⁸².” Several other pitiful and illegal arts were used by the kings of England, in this period, to extort money from their subjects, which are better buried in oblivion than recorded in history.⁸³

The powers and prerogatives of the kings of England in this period were not distinctly marked or ascertained, and therefore depended in some measure on the character of the king, and the circumstances of the kingdom. In general, however, it may be safely affirmed—that they were very far from being possessed of arbitrary power—that the distinction between an absolute and

England a limited monarchy.

⁸¹ Hist. Croyl. p. 558. Fabian, f. 222. Hall, f. 227. Grafton, p. 719.

⁸² Statutes, 1st Rich. III. c. 2.

⁸³ See Cottoni Posthuma, p. 163—202.

limited monarchy was perfectly well understood—and that England was a limited monarchy. “ Ther be two kyndys of kyngdomys (says Sir John Fortescue, who wrote in this period) of which that one ys a lordship, callid in Latyne, *Dominium regale*, and that other is callid *Dominium politicum & regale*. And they dyverfin (differ) in that the first may rule his people by such lawys as he makyth hymself; and therefor he may set upon them talys (taxes) and other impositions, such as he wyl hymself, without their assent. The secund may not rule hys people by other lawys than such as they assenten unto ; and therefor he may set on them none impositions without their own assent⁴. ” That great lawyer, in the subsequent chapters of his book, enumerates the advantages that England derived from being a *Dominium politicum & regale*, or a limited monarchy ; and the miseries that France endured from being a *Dominium regale*, or an absolute monarchy. It was also understood, that the kings of England could neither repeal nor change any standing law of the land by their own authority, without the consent of parliament. “ A king of England cannot, at his pleasure, make any alterations in the laws of the land ; for the nature of his government is not only regal but political⁵. ” I am not so certain that it was understood to be a part of the constitution of England in this

⁴ Sir John Fortescue, on the difference between an absolute and limited monarchy. c. 1.

⁵ Fortescue de Laudibus Legum Angliae, cap.9.

period, that the king could not interpret the laws, and administer justice to his subjects in person, but only by his judges. This, however, was so much the practice, that I have met with only one exception to it, if it is indeed an exception. Edward IV. in the second year of his reign, sat three days together during Michaelmas term, in the court of King's Bench; but it is not said that he interfered in the business of the court; and as he was then a very young man, it is probable that it was his intention to learn in what manner justice was administered, rather than to act the part of a judge ⁶⁶. The same prince in the 17th year of his reign, A.D. 1477., when the country was over-run with numerous gangs of robbers, accompanied the judges of assize in their circuits; but his design in doing this seems to have been to prevent the judges from being insulted or intimidated, and to secure the execution of their sentences.⁶⁷

But though it was well understood, that the kings of England, in this period, had no right to make, repeal, or alter the laws of the land by their own authority; it is very certain, that they frequently took upon them to dispense with these laws, and to grant permission to particular persons or societies to violate them with impunity. Of this many examples might be given; one of each kind will be sufficient. There was not any one law of England made with greater deliberation and solemnity, or to which the people had a

⁶⁶ Trussell's Continuation of Daniel's Hist. p. 184. Stowe, p. 416.

⁶⁷ Hist. Croyl. a Gale, vol. i. p. 559.

stronger attachment, than that of 16th Richard II. ch. 5. against procuring or purchasing provisions to benefices from the Pope; and yet Henry IV. granted a dispensation from that law, by name, A. D. 1405., to Philip Bishop of Lincoln, with a permission to procure provisions from the Pope for twenty-four discreet and virtuous clerks, graduated or not graduated^{ss}. That money was paid to the King for this dispensation, there is little room to doubt; and that the word *discreet and virtuous* were mere words of course, is equally clear; for if the Bishop and his clerks had been remarkably discreet and virtuous, they would hardly have desired a dispensation from so good a law. Edward IV. in the second year of his reign, A. D. 1462., made a most extraordinary use of this dispensing power; and, to secure the clergy in his interest, granted them permission to violate all the laws of the land, or rather all the laws of God and man, prohibiting all his judges and officers to try or punish any archbishop, bishop or other clergymen, for treason, ravishing women, or any other crime^{ss}. But whether this dispensing power, which was carried to such an extravagant length was considered in those times (as it probably was and certainly ought to have been considered) as a violent illegal stretch of the prerogative, I have not been able to discover, as I do not remember to have met with any complaints on that subject.

^{ss} Rym. Fœd. tom. 8. p. 409.

^{ss} Wilkin. Concil. tom. 3. p. 583.

Though

Though the feudal system of government, or rather tyranny, that gave so many pernicious prerogatives to the first kings of England after the conquest, had been long declining, and, like an old Gothic castle that had never been repaired, was now almost in ruins; yet our kings, in this period, still retained some of these prerogatives that were very inconvenient and distressful to their subjects, as the wardship and marriages of the tenants of the crown, purveyance, &c. It is, however, evident that these prerogatives were now exercised with much greater lenity than they had been in former times, owing to the greater dependence of our kings upon their subjects. Purveyance, in particular, was limited by various statutes, and reduced within the following bounds. "The King, by his purveyors, may take, for his own use, necessaries for his household, in a reasonable price to be affeſſed at the discretion of the constables of the place, whether the owners will or not; but the King is obliged by the laws to make present payment, or at a day to be fixed by the great officers of the household²⁰." It seems to have been an undisputed prerogative of the kings of England in this period, to press, not only sailors and soldiers, but also artificers of all kinds, and even musicians, goldsmiths, and embroiderers, into their service²¹. They also naturalized foreigners by their own authority; of which

²⁰ Fortescue de Laudibus, &c. ch. 36.

²¹ Rym. Fod. tom. ii. p. 375. 852.

many examples might be produced ⁹². But it is not necessary to revive the memory of these and the like exploded prerogatives, which, happily both for the crown and country, are now forgotten.

Offices in
the King's
gift.

The numerous civil offices, as well as ecclesiastical benefices, which the kings of England had in their gift in this period, added not a little to their power and influence. “ The kyng (faith Sir John Fortescue, in the reign of Edward IV.) givyth moo than a thousand offices, besydes thoos that my lord prince gyvith, of which I rekyn the officers as the kyng's officers. Of thees officers sum may despender by the yere, by reason of his office, 200l., some 100l., some 40l. some 50 marks, and so downward ⁹³. ” These salaries appear contemptible in our eyes ; but they were valuable in those times ; and the use that might be made of them, for attaching many persons to the interest of the crown, was perfectly well understood. “ Sum forester of the king's (faith the same great lawyer and politician, Sir John Fortescue) that hath none other livelood, may bring moo men into the fild, well arrayed, and namely for schoting, than may sum knight, or sum esqueer, of right grete livelood, dwellyng by hym, and having non office. What than may grete officers do ; as stewards of grete lordschippis, receyvers, constables of castellis, master-foresters, and such other

⁹² Rym. Fœd. tom. 10. p. 2. 74.

⁹³ Sir John Fortescue on the difference between an absolute and limited monarchy, ch. 17.

“ officers ;

“ officers; besides the high officers, as justices of forests, justices and chamberleyns of countries, the warden of the ports, and such others? For soth it is not lightly estimable what might the king may have of his officers, if every of them had but one office, and served none other man but the king.”⁹⁴

The distinction between a king *de facto* and a King *de jure*, was first known in law in this period; and Edward IV. gave an illustrious proof, both of his wisdom and humanity, in confirming, by the very first statute in his reign, all the deeds and acts of his three predecessors of the house of Lancaster (with a few exceptions), though they were, he declares, only kings in fact, and not of right. How many noble families would have been preserved from ruin, if such a law had been made at the beginning of this period!

To conclude: Though the constitution, government, and laws of England, had not yet arrived at that excellence to which they have since attained, they were considerably improved in the course of this period, and were really better than those of any other state in Europe at that time. To demonstrate this, was the chief object of that learned and virtuous statesman Sir John Fortescue, in his curious work in praise of the laws of England; and it is confirmed by the testimony of one of the most intelligent foreigners who flourished

England
best go-
verned.

⁹⁴ Sir John Fortescue on the difference between an absolute and limited monarchy, ch. 17.

in those times²². Philip de Comines, after describing the disorders that reigned in the governments of France, Germany, and Italy, and the cruel oppressions under which the people of all these countries groaned, concludes in this manner:—“ In my opinion, of all the states in the world that I know, England is the country where the commonwealth is best governed, and the people least oppressed²³.” May the inhabitants of this happy island ever enjoy, and never abuse this most desirable of all distinctions!

SECTION II.

History of the Constitution, Government, and Laws of Scotland, from A.D. 1400. to A.D. 1488.

Distracted
state of
Scotland
in the
14th cen-
tury,

FOR many years before the untimely death of Alexander III., A.D. 1286., and of his granddaughter Margaret, commonly called *The Maiden of Norway*, heiress of his dominions (who survived him only four years), Scotland enjoyed as much prosperity and peace, with as good government and laws, as any kingdom in Europe in those times. But after these events, that unhappy country suffered a sad reverse of fortune, fell into the most deplorable disorder and confusion, and became the scene of a long series of the most destructive wars, which threatened it with desolation. This was owing—to the disputed succession to the throne;—to its situation in the same island, with a much

²² Sir John Fortescue de Laudibus Legum Anglie, *paffim*.

²³ Philip de Comines, b. 5. ch. 18.

greater,

greater, more opulent, and more powerful kingdom; — and to the ambition of Edward I., and Edward III., two of the most warlike kings of England, who ardently desired to subject it to their authority. In the course of this long and bloody struggle. Scotland was frequently over-run, and in appearance subdued; but the spirit of its inhabitants was invincible, and baffled all the efforts of their two powerful neighbours to deprive them of their independency. In these circumstances no improvements in legislation could be expected; which is the reason that the account given in the eighth volume of this work, of the constitution, government, and laws of Scotland, in the fourteenth century, is so short and unsatisfactory. What did not exist could not be described.

The circumstances of Scotland in the first twenty-four years of our present period, were no better in this respect than they had been in the former. It was then governed (if it can be said to have been governed) by two successive regents, who made no new laws, and had not authority to execute the old. The last of these regents, Murdoch Duke of Albany, was universally contemptible, and had little or no authority even in his own family. When James I., therefore, returned from his long captivity in England, and mounted the throne of his ancestors, A.D. 1424., he found every thing in the greatest disorder; the laws despised,—the royal authority almost annihilated,—the patrimony of the crown dissipated,—arts and commerce in a languishing state,—the nobles

nobles factious and turbulent,—and the people indigent and oppressed.

Parlia-
ment.

But that excellent prince applied himself with equal wisdom and vigour to remedy these disorders, and his efforts were not unsuccessful. Without loss of time he held a parliament at Perth, May 26., in which, and his subsequent parliaments, many acts were made that appear to have been well calculated to restore the authority of the laws, the prerogatives of the king, the patrimony of the crown, the safety and prosperity of the people; of which it will be sufficient to give a few examples on each of these heads.

Authority
of the
laws.

For restoring the authority of the laws it was enacted, “ by the king, with the assent and deli-
“ verance of the three estates, that all and sundrie
“ the kingis liegis of the realm, leef and be go-
“ vernit under the king’s laws, and statutes of the
“ realm ”.⁷ An act that never would have been thought of in a more settled state of government; but that was very necessary when law, and the obligations to obey it, were almost forgotten. By the same parliament it was enacted, “ That fix
“ wyse men and discreet, of ilk ane of the three
“ estatis, quhilk knawes the lawis best, sal be
“ chosin, that sal fee and examine the buikis of
“ law, that is to say, *Regiam Majestatem* and
“ *Quoniam Attachimenta*, and mend the lawis
“ that neidis mendiment ”.⁸ The last act of the third parliament of James I., held in March A.D.

⁷ Records of Parliament, James I. act 53. Black Acts, f.9.

⁸ Id. act 60.

1426., effectually provided for the promulgation of all the laws that had been made in that and the two preceding parliaments⁹⁹. But as the best laws are of little value if they are not properly executed, it was one of the first cares of this wise prince to provide for the due execution of the laws and administration of justice. By the fifth act of his first parliament, "it is ordainit, That thair be maid officiaris and ministeris of law, throw all the realme, that can or may had the law to the king's commonis, and sic as hes sufficientlie of thair awin, quhair throw thay may be punishit giff thay trespass. And giff ony be infest of sic offices of befoir, and ar not sufficient to minister thairin in proper person, that othoris be ordanit in thair stedes; for the quhilk they that hes sic offices of the king in fee be halden to answer to him giff thay trespass¹⁰⁰." By these and several other acts, James I. raised law from the dust, and placed her with dignity on the bench.

For reviving the prerogative of the sovereign, severe laws were made against treason, and all who aided or entertained traitors; against bonds or combinations for resisting the king and his officers in the administration of justice and execution of the laws; against private war; against the crime called *Leesingmaking*, or spreading such defamatory reports of government as had a tendency to disturb the public peace, and create discord between the king and his subjects, &c. &c.¹⁰¹

Preroga-
tives of
the king.

⁹⁹ Records of Parliament, James I. act 77. ¹⁰⁰ Id. act 6.

¹⁰¹ Records of Parliament. Black Acts, act 2, 3, 4, 33, 47.

Patrimony
of the
crown.

For recovering the patrimony and revenues of the crown, his first parliament granted the greater customs on all goods exported and imported, with the smaller internal tolls at fairs and markets, to the king, for the support of his household ¹⁰². The same parliament appointed commissioners to make inquiry, in every shire of the kingdom, what lands had belonged to any of the three preceding kings, David II., Robert II., and Robert III., that such of them as had been alienated by the two regents might be resumed ¹⁰³. The confiscation of the great estates of the Duke of Albany and his sons, brought a great accession of wealth to the crown, which was further increased by the resumption of the earldoms of March and Strathern.

Oppression
of the
people.

When James I. returned from England, he found the common people of Scotland in great distress, and groaning under hardships and oppressions of various kinds. The country was not only over-run with beggars, but still more cruelly harassed by troops of lawless banditti, called *forners*, who roamed from place to place, living every where at free quarters, chiefly upon the poor farmers. James I., in his very first parliament, made a very wise law for the regulation of beggars. By that law, if any persons above the age of fourteen, and under seventy, presume to beg in boroughs without badges from the magistrates, or in the country without badges from the sheriff, they shall be seized and

¹⁰² Black Acte, act 8.

¹⁰³ Ibid. act 9.

compelled

compelled to labour, under the penalty of being burnt on the cheek, and banished the country ¹⁰⁴. To relieve the country from fornars, sheriffs were invested with power to apprehend, imprison, and punish them; and were directed to inquire at every head court if there were any fornars within the shire ¹⁰⁵. But this proved an obstinate evil, that subsisted through several succeeding ages, in spite of many severe laws. Finally, by restoring authority to law, and providing for the administration of justice, the common people were protected from many injuries to which they had formerly been exposed; and this excellent prince, in the short space of thirteen years, made great improvements in the government of his kingdom; and would have made still greater, if he had not been cut off, in the prime of life, by the hands of cruel assassins.

James II. pursued the plan of his illustrious father; and many acts of parliament were made in his reign for the improvement of the constitution, by securing the rights and revenues of the crown, the authority of the laws, and the regular administration of justice; of which it will be sufficient to mention a very few. By repeated acts in the minority of James II. all the lands and goods that had belonged to his father at his death, were secured to him till he arrived at the age of twenty-one years ¹⁰⁶. After the forfeiture of the great estates of the family of Douglas, a

¹⁰⁴ Black Acts, act 27.

¹⁰⁵ Ibid. act 7.

¹⁰⁶ Ibid. f. 27.

remark-

remarkable law was made, A.D. 1455., annexing many castles and lordships to the crown, and declaring them unalienable, without the consent of parliament, because (as it is said in the preamble) “the poverty of the crown “is oftentimes the cause of the poverty of the “realm¹⁰⁷. ” Some severe acts were made for securing the person and authority of the king, and for punishing those who attempted any thing against them, or favoured such attempts¹⁰⁸. The following clause in one of these acts hath been the subject of warm political debates, though it seems to be very plain. “Those that “assailzies castelles or places quhair the kingis “persoun fall happen to be, without the con-“sent of the three estates, fall be punist as “traitoures¹⁰⁹. ” From this clause it is very plain, that the three estates supposed a case might occur when it would be proper for them to command a castle, in which the king’s person was to be assaulted: and the case they had in view most probable was this; when the king had been seized, and was detained by some powerful faction against his will, which too often happened in those turbulent times. The acts that were made in the reign of James II., for establishing the authority of law, and the regular administration of justice, will come more properly under our view in describing the courts of justice. Few

¹⁰⁷ Black Acts, f. 34.

¹⁰⁸ Ibid. f. 29, 30.

¹⁰⁹ Ibid. James II. act 25. See account of the rights of the parliaments of Scotland.—Abercromby’s Martial Achievements, vol. 2. p. 345.

laws

laws were made for the improvement of the constitution in the unhappy reign of James III.

The prerogatives of the kings of Scotland, in this period, were the same, in speculation, with those of the kings of England, being, like them, sovereigns of a limited monarchy; but, in fact, they seldom enjoyed so much power. This was owing to the power and turbulence of the great nobility; to the rude state of some parts of their dominions, particularly of the Highlands and islands, where the authority of the king and of the laws was but little regarded; and chiefly to the long and frequent minorities of our kings, as the crown always lost some power when it was worn by a child. It plainly appears from the records, and even from the printed statutes, that the kings of Scotland, in this period, consulted their parliament on subjects that belonged to their own prerogative; such as declaring and conducting war; making peace or truce; granting pardons, coining money; sending ambassadors, &c.¹¹⁰ But it is probable that they were induced to do this from prudential considerations, and because they stood in need of the personal or pecuniary aid of their subjects, on all these occasions. None of the kings of Scotland, in this period, attempted to impose the smallest tax without the consent of parliament.

¹¹⁰ See Records of Parliament—Black Acts, James I. act 23. 30. James II. act 15. 34. 51. 62. James III. act 22. 55. 56. 62. 90. 111, 112. 126.

State of
Parlia-
ment.

As all these improvements in the constitution, government, and laws of Scotland, were made by the advice and authority of parliament, it is proper to give a short and plain description of those assemblies in this period. The original records, or rather minutes, of many of these parliaments are still extant; and though they are in general very short and unsatisfactory, it is from them the following description is chiefly taken.

Three
estates.

Though all the members of the parliaments of Scotland sat in one house, they were of three different orders in society, which were called the three estates. The first of these estates was composed of the archbishops, bishops, abbots, priors, and a few other dignitaries of the church. The second estate consisted of the dukes, earls, lords of parliament, barons, and freeholders. The commissioners of boroughs formed the third estate¹¹¹. It appears from the rolls of parliament, that the members of the first and second estates were far more numerous than those of the third; and being also of higher rank and greater power, they had, no doubt, proportionably greater influence; and it is not improbable, that a consciousness of their own insignificance was the reason that so few commissioners of boroughs (seldom above fourteen or fifteen) attended any parliament¹¹². From the same evidence we also find, that very few of the small barons and freeholders attended parliaments in this

¹¹¹ Records, *passim.*

¹¹² Ibid.

period,

period, and that these assemblies consisted chiefly of spiritual and temporal lords.¹¹³

It was the king's undoubted prerogative to call parliaments, and to appoint the time and place of their meetings ; which he did by sending special letters under his signet to all the prelates and great lords, and by issuing general precepts out of chancery, to be published edictually by the sheriff of every shire, commanding all lords, prelates, barons, freeholders, and commissioners of boroughs to attend a parliament that was to meet at such a time and place¹¹⁴. This mode of summoning parliaments is a further indication of the superior importance of the aristocracy, as lords and prelates were summoned both by special letters and by general precepts, and the other members only by general precepts.

We find no vestiges in the records, of speeches made by the king, or any of his ministers, at the opening of parliaments ; though it is highly probable that something was said concerning the reasons of calling them, &c. A roll was prepared, containing the names of all who had a right, or rather of all who were bound to appear in parliament, which was called over at the first meeting of every session. Anciently the records only bear,

“ That all who were able and willing to come
 “ were present ; that some who were absent had
 “ sent excuses ; that others were absent without

¹¹³ Records, *paffim.*

¹¹⁴ Records, James III. A.D. 1478. Kames Essays, p. 58. 64, &c.

" excuse ; and that each of these last was fined
 " 10*l.* for his contumacy ;" but from A.D. 1478,
 downward, the names of all who were present are
 recorded.¹¹⁵

Commit-
tees.

After the roll was called, the parliament pro-
 ceeded to appoint three committees each com-
 posed of three members of each of the three
 estates. The first of these committees was called
 the committee *pro articulis advisandis* (on the
 articles). The business of this committee was, to
 receive petitions, proposals, and overtures, and to
 form such of them as appeared worthy of attention
 into bills to be laid before parliament. This com-
 mittee was afterwards called "The lords of the
 "articles," and became the subject of much poli-
 tical artifice and contention. The second com-
 mittee was called *ad judicia* (on judgments), and,
 like the former, consisted of three prelates, three
 barons, and three burgesses, who were to sit as
 judges in all criminal prosecutions that were
 brought before parliament. The third committee
 was constituted in the same manner with the other
 two, and was called *ad causas* (on causes); its
 members sat as judges in all civil causes that were
 brought into parliament by appeals from the infe-
 rior courts¹¹⁶. These committees were evidently
 intended to dispatch the business, and shorten the
 duration of parliaments ; and they were well

¹¹⁵ Records, *paffm.* See a roll of parliament, A.D. 1487.
 Appendix.

¹¹⁶ See the members of these three committees, A.D. 1478.
 Appendix.

adapted to answer that intention as they comprehended the three great branches of parliamentary business; making new laws, and pronouncing judgment in the last resort, in criminal and in civil causes. The committees on judgments and on causes were invested with parliamentary powers, which rendered their sentences final; and the members of them took an oath to determine according to law and justice¹¹⁷. The appointment of these three committees finished the transactions of the first day of every parliament; and those members who were not on any of these committees were at liberty to dispose of themselves as they pleased, till matters were prepared for a second meeting.

The constitution of the committees on the articles, judgments, and causes, had a great appearance of equity, and seemed to give an equal degree of power and influence to each of the three estates. But that appearance was quite destroyed by another law, that gave a seat and vote in each of these committees to all the lords of parliament who chose to claim them, which threw the whole power into the hands of the aristocracy.¹¹⁸

As soon as the committee on the articles had prepared their several bills, another meeting of the whole parliament was held, at which these bills were read, debated, and either passed or rejected; after which the parliament was adjourned or dissolved¹¹⁹. When the committees on judg-

¹¹⁷ James I. parl. 6. act 93.

¹¹⁸ See Records.

¹¹⁹ Records, *paffim.*

ments and causes had not finished their busines before this last meeting, their parliamentary powers were prolonged, till they had determined all the causes that had been committed to them¹²⁰. By these contrivances, the sessions of the parliaments of Scotland were rendered very short, and seldom exceeded five or six days. The last session of the last parliament of James III. sat fifteen days, and was the longest I have met with in the records of this period.¹²¹

Attempt
to form
two
houses.

James I. formed a design of dividing his parliament into two houses, in imitation of that of England. With this view he obtained an act of his seventh parliament, A.D. 1427., containing the following clauses :— “ 1. That the small barons and free tennents need not to come parliamentis, swa that of ilk shairifdome thair be feud, chosin at the heid court of the shirief dome, twa or maa wyse men, after the largenes of the sherefdome, outane the sherefdoms, of Clackmannan and Kinroffie, of quhilkes ane be feud of ilkane of thame, the quhilk sal be callit *commissaris of the shire*. 2. The quhilk commissaris sal have full and hale power of all the laif of the sherifdome, under the witneffing of the shereffis seill, with the feillies of divers barronis of the shire, to heir and treit, and finally to determine all causes to be proponit in counsal or parliament. 3. Be thir commissaris of all shires sal be chosen ane wyse man and expert, callit the *commoun spei-*

¹²⁰ Records, *paffim.*

¹²¹ See Records.

“ kar

" kar of the parliament ; the quhilk sal pro-
 " pone all and sindrie neidis and causes perten-
 " ing to the commounis in the parliament.
 " 4. The commissaris and speakaris sal have cost-
 " age of thame of ilk shire that aw comperance
 " in parliament ...". This very remarkable act
 was evidently copied from the practices that pre-
 vailed in England, and was intended to establish
 a house of commons in Scotland ; but unhappily
 it was never carried into execution. Whether this
 was owing to the negligence of the small freeholders,
 or to the opposition of the great lords, or to
 what other cause, we are not informed. By a sub-
 sequent law in the reign of James II., A.D. 1457.,
 all freeholders who had not 20l. a-year were ex-
 empted from attending parliaments, but without
 any mention of representation. ¹²²

The chief courts of law in Scotland, in this period, were not fixed to one place, like those of England, but were ambulatory, and occasionally held in all the different corners of the kingdom, for the accommodation of the lieges. The two committees of parliament already mentioned, called the committees on judgments, and on causes, were in reality courts of law, and the highest courts of the kingdom, exercising that supreme and ultimate jurisdiction which is now exercised by the house of peers in the British parliament. These committees, or courts, met at the same time and place with the parliaments, of which their judges were members.

¹²² James I. parl. 7. a. 112.

¹²³ James II. act 85.

Session.

Another high court of law, called the *session*, is often mentioned in the monuments of this period. This court had no stated establishment, but was occasionally constituted by parliament for a short time, most commonly for one year. Parliament also named the judges, and appointed the times, places, and duration of the fittings of this court. The judges were always nine in number, three prelates, three barons, and three burgesses, who had neither salaries nor perquisites. The parliament, for example, at Edinburgh, in March, A.D. 1457., appointed three sessions to be held that year; one at Edinburgh, one at Perth, and one at Aberdeen, each to continue forty days; and named the judges in each of these sessions, with the day when each session was to begin¹²⁴. The constitution of this court appears to have been very unsettled, and underwent various changes in the course of this period, which need not be mentioned.¹²⁵

Justiciary.

The office of justiciary was one of the highest offices in the several kingdoms of Europe, in the middle ages. In England it was abolished, or rather discontinued, because the powers annexed to it were thought to be too great for a subject to possess. In Scotland it was kept up; and the justiciar-general, in this period, was at the head of the law, and the chief dispenser of justice. This great officer, in person, or by his deputies, held justice-airs, as they were called,

¹²⁴ Records, James II. acts 68, 69, 70.

¹²⁵ Records, James I. acts 72, 73, 74, 75.

twice

twice a-year, once in the spring, and once in autumn, in every county of the kingdom, at which the sheriff, with all the barons and free-holders of the county, were obliged to attend¹²⁶. At these courts were exercised all that jurisdiction that is now exercised by the court of justiciary at Edinburgh, and by the lords of justiciary in their circuits.

The chamberlain was another great officer of the law in this period. His jurisdiction was in a great measure, if not altogether, confined to the royal boroughs of the kingdom, in which he held courts, called *chamberlain-airs*. To these courts the magistrates, as well as the inhabitants of boroughs, were amenable; and in them all complaints of the people against their magistrates, or of the magistrates against any of the people, or of one burges against another, were heard and determined. In them also the chamberlain collected the royal revenues; regulated weights and measures, removed nuisances, and in a word, took cognizance of every thing respecting the police of the borough where the court was held.¹²⁷

When any person thought himself injured by the sentence of a particular chamberlain-court, he could not appeal either to the justiciar-general, to the King in council, or even to parliament, but only to the court of the four boroughs, as it was called, which alone had

¹²⁶ James II. act 5.; James III. act 76. *Regiam Majestatem*, p. 300.

¹²⁷ Id. p. 281.

authority to review the sentences pronounced in the chamberlain-airs. The boroughs, whose commissioners composed this supreme court, or little parliament, were anciently, Edinburgh, Stirling, Berwick, and Roxburgh; but after these two last fell into the hands of the English, Lanark and Linlithgow were substituted in their places. Each of these four boroughs were obliged by law, “to send three or four of their most discreet burgesses, having lawful commission, to compear personally before the chamberlain at Haddington, they being lawfully summoned to that effect; and there the right or the wrong of the sentences complained of shall be discussed and determined by them. And it is understood, that the decisions of this court of the four boroughs, assembled before the chamberlain, are as available among burgesses as if they had been done in parliament.”¹²⁸ The reason of this remarkable institution which was of great antiquity, and continued long) seems to have been this,—that burgesses were believed to be the best judges of all the disputes and controversies that arose among burghers.

Hereditary
offices.

The ancient kings of Scotland not only diminished the patrimony of the crown, by improvident grants of land, but they also diminished its just powers and prerogatives, by imprudent grants of various powers, privileges, and jurisdictions, to their favourites, which rendered them

¹²⁸ Regiam Majestatem, p. 267.

too

too great for subjects, and almost wholly independent. The lords of regalities, for example, had obtained so many exemptions, powers, and privileges, that they were in reality petty kings, and their territories petty kingdoms, locally situated within Scotland, but very little connected with it. These lords had their officers of state, their judges, and their courts, as well as the king; and in these courts they tried all manner of causes, and inflicted all manner of punishments; and, when they pleased, they pardoned the greatest criminals ¹²⁹. The kings who reigned in this period saw and felt the evils arising from these little kings and little kingdoms included in their dominions, and earnestly desired to mitigate those evils. With this view, James I. obtained several acts of parliament, to compel lords of regalities, and their officers, to execute the laws, and to enable the King to punish them for refusing to do justice ¹³⁰. James II. proceeded still further, and procured the two following wise and salutary laws, A.D. 1454: " 1. That " all regalities that are now in the King's hands " be annexed to the royalty; and that in time " to come there be no regalities granted, without " deliverance of the parliament. 2. That " there be no office, in time to come, given in " fee and heritage ¹³¹." But these excellent laws were soon forgotten; and the hereditary

¹²⁹ See a pardon by the Archbishop of St. Andrew's, Appendix.

¹³⁰ James I. acts 104, 105.

¹³¹ James II. acts 46, 47.

powers and jurisdictions of barons and lords of regality continued to be a blemish in the constitution of Scotland for about three centuries after these laws were made.

The powers and jurisdictions of sheriffs, and of the magistrates of boroughs, have undergone so few changes, and are so well known, that they need not be delineated.

THE
HISTORY
OR
GREAT BRITAIN.

BOOK V.

CHAP. IV.

History of Learning in Great Britain, from the accession of Henry IV., A.D. 1399., to the accession of Henry VII., A.D. 1485.

SECTION I.

State of Learning in Britain from A.D. 1399. to A.D. 1485.

THE darkness of that long night of ignorance which overshadowed Europe, from the fall of the western empire to the revival of learning in the sixteenth century, was not equally profound at all times and in all places. In Britain particularly, some gleams of light appeared at different times, as in the age of venerable Bede—of Alcuinus—
Age of Ignorance.
of

of Alfred the Great—and of Friar Bacon¹. But these gleams were neither very bright, nor of long duration; and as soon as the luminaries which produced them were extinguished, the former darkness returned. This is so true, that the present period, though it immediately preceded the revival of learning, was, in Britain, one of the darkest, and furnishes fewer materials for literary history than any former period; for which reason, a very brief delineation of it in this place will be sufficient. No art or industry could render a long, minute detail of the learning of an illiterate people, in a dark age, instructive or entertaining.

Greeks in
Italy.

As the decline and fall of the western empire were the chief causes of the decline and almost extinction of learning in all the countries which had composed that empire; so the decline and fall of the empire of the east proved the chief causes of the revival of learning in the west. For when the dissolution of that empire visibly approached, several learned Greeks retired into Italy, to avoid impending ruin; and when its capital, Constantinople, was taken by the Turks, A. D. 1453., a much greater number fled into the same country. There these learned exiles met with a kind reception; and, under the patronage of the Roman pontiffs, and the princes of the illustrious house of Medici, they taught the language and philosophy of the Greeks with great success. It will be a sufficient proof of this to mention the names of a

¹ See vol. 4. p. 25—55; vol. 6. c. 4. vol. 8. c. 4. § 2.

few of their disciples, as Dante, Boccace, Petrarch, Politian, Laurentius Valla, Agricola, John Pecus Mirandula, and Marfilius Fecinus, who were the first restorers of useful and polite learning in the western world.²

But the progress of reviving science was very Not in flow, and for the greatest part of the fifteenth Britain. century was almost wholly confined to Italy. Rodolphus Agricola, being by birth a German, after he had studied several years under Theodorus Gaza, one of the most learned of the Greek exiles, returned into his native country A.D. 1482.; where he spent the last years of his life in the most strenuous endeavours to inspire his countrymen with a taste for the Greek learning³. But none of those learned exiles, or even of their disciples, visited Britain in this period, if we except one Cornelius Vitellius, an Italian, who read lectures in New-College at Oxford, and was (according to Polidore Virgil) the first person who taught good letters in that university⁴. The effect of these lectures, however, if they produced any, must have been very transient, as that new and better taste in the study of letters, which had so long prevailed in Italy, was little known or regarded in Britain till the beginning of the sixteenth century.

Besides the general causes of the decline of learning in Europe, in the middle ages, which

Causes of ignorance in Britain.

² Bruckire Hist. Philosoph. tom.4. cap. 1, 2.

³ Id. ibid. cap. 1. p. 34—38.

⁴ Polyd. Virgil, Hist. Ang. p.600.

have

have been already mentioned in this work, there were some particular ones which increased that evil in Britain and some other countries in this period.

Wars.

The distracted unsettled state of Britain, France, and some other countries, torn by the most furious factions, and kept in continual agitation by wars and revolutions, proved one of the greatest obstructions to the revival and progress of learning. For the wars of those times were not carried on by standing armies, as at present, while the rest of the people pursue their several occupations in tranquillity; but persons of all ranks, the clergy not excepted, were called into the field. Even the universities and seats of learning were frequently scenes of the most violent discord, and their streets were sometimes stained with blood.

**Learning
not va-
lued,**

If learning was not despised in this period, it was certainly very little esteemed or honoured; nor was it the most effectual mean of procuring preferment even in the church. We meet with frequent complaints of the universities of Oxford and Cambridge to parliament—that all the most valuable livings were bestowed on illiterate men or foreigners, by papal provisions, by which private patrons were deprived of their rights, and the best scholars in the kingdom were left to languish in indigence and obscurity, nay, were sometimes

¹ Vide Ant. Wood, Hist. Univers. Oxon. Bulleit Hist. Univer. Parisien.

driven to the necessity of begging their bread from door to door, recommended to charity by the chancellors of the universities in which they had studied.⁶

Two of these learned mendicants, we are told, came to the castle of a certain nobleman, who understanding from their credentials that they had a taste for poetry, commanded his servants to take them to a well, to put one into the one bucket, and the other into the other bucket, and let them down alternately into the water, and to continue that exercise till each of them had made a couplet of verses on his bucket. After they had endured this discipline for a considerable time, to the great entertainment of the baron and his company, they made their verses, and obtained their liberty.⁷

It was a further discouragement to the pursuit of learning in those unhappy times, that as the possession of it did not promote, so the total want of it did not prevent, preferment; and those who had powerful friends, or much money, though ignorant or profligate in the extreme, were loaded with dignities and benefices. “I knew (said Doctor Thomas Gascoigne, Chancellor of Oxford, A.D. 1443.) a certain illiterate ideot, the son of a mad knight, who, for being the companion, or rather the fool, of the sons of a great family of the royal blood, was made archdeacon

Not rewarded.

⁶ Ant. Wood, Hist. Univer. Oxon. an. 1400. ad an. 1455.

⁷ Id. p. 225.

“ of Oxford before he was eighteen years of age; “ and soon after obtained two rich rectories and “ twelve prebends. I asked him one day what he “ thought of learning. As for learning, said he, “ I despise it. I have better livings than any of “ you great doctors, and I believe as much as any “ of you. What do you believe? I believe, said “ he, that there are three Gods in one person, I “ believe all that God believes.” *

Schism
in the
church.

The long schism in the papacy, from A.D. 1379. to A.D. 1449., was no small obstruction to the progress of real learning and useful knowledge*. Those who live in an enlightened age and reformed country, can form no conception of the consternation into which that event threw the whole Christian world, and how much it engrossed the attention of kings, princes, prelates, universities, scholars, and people of all ranks. At a time when it was generally believed that the Pope was the sole head of the church, the only vicegerent of Christ on earth, and had the custody of the keys of the kingdom of heaven, the perplexity of all good Catholics could not but be very great, when they saw first two and then three popes, each asserting, with equal confidence, that he was the only true pope; that his rivals were pretenders, usurpers, schismatics, and heretics; and that they and their adherents would certainly go to the devil. Colleges, universities, and men of learning, ne-

* Ant. Wood. Hist. Univer. Oxon. p. 220.

• Du Pin, Cent. XIV. c. 4. Cent. XV. c. 3.

glecting

glecting their usual studies, engaged with ardour in this interesting controversy, which threatened the destruction of the church. Several councils were called by the contending pontiffs, to which the principal prelates and greatest doctors of the different parties crowded, and spent many years in public wrangling and private caballing, to very little purpose.¹⁰

The great scarcity and high price of books still continued to obstruct the progress of learning. Scarcity of books.

None but great kings, princes and prelates, universities and monasteries, could have libraries; and the libraries of the greatest kings were not equal to those of many private gentlemen or country-clergymen in the present age. The royal library of France, which had been collected by Charles V., VI., and VII., and kept with great care in one of the towers of the Louvre, consisted of about 900 volumes, and was purchased by the Duke of Bedford, A.D 1425., for 1200 livres¹¹. From a catalogue of that library, still extant, it appears to have been chiefly composed of legends, histories, romances, and books on astrology, geomancy, and chiromancy, which were the favourite studies of those times¹². The kings of England were not so well provided in books. Henry V., who had a taste for reading, borrowed several books, which were claimed by their owners after

¹⁰ Du Pin, Cent. XIV. c. 4. Cent. XV. c. 3.

¹¹ Tableau historique de la Bibliotheque du Roy, p. 6—13.

¹² Historie de l'Academie Royale, 8vo., tom. I. p. 385—395.; tom. 4. p. 446.

his death. The Countess of Westmoreland presented a petition to the privy council, A.D. 1424, representing, that the late king had borrowed a book from her, containing the *Chronicles of Jerusalem*, and the expedition of Godfrey of Boulogne, and praying that an order might be given under the privy seal for the restoration of the said book; which was granted with great formality¹¹. About the same time, John, the Prior of Christchurch, Canterbury, presented a similar petition to the privy council, setting forth that the late king had borrowed from his priory a volume containing the works of St. Gregory; that he had never returned it; but that in his testament he had directed it to be restored; notwithstanding which, the Prior of Shine, who had the book, refused to give it up. The council, after mature deliberation, commanded a precept under the privy seal to be sent to the Prior of Shine, requiring him to deliver up the book, or to appear before the council, to give the reasons of his refusal¹². These facts sufficiently prove, that it must have then been very difficult, or rather impossible, for the generality of scholars to procure a competent number of books. The noble and most useful art of printing, it is true, was invented in the course of this period, and practised in England before the end of it; but as yet it had contributed very little to increase the number, or diminish the price of books.

¹¹ Rym. Fed. tom. 10. p. 327.

¹² Id. ibid.

One of the most obvious defects in all the authors of this period, is a total want of taste. This appears both in their language and sentiments almost in every page. The truth is, the art of criticism seems to have been quite unknown and neglected; and the generality of writers appear to have had no idea of purity of style, or propriety of sentiment; but contented themselves with clothing such thoughts as occurred, in the most common and vulgar language, without much regard even to the rules of grammar. When they attempted to be pathetic or sublime (as they sometimes did), they never failed to run into the most extravagant bombast. Of this the reader will meet with an example, in a description of the battle of Agincourt, by turning to the Appendix, No. 1.

The arts and sciences that were cultivated in Britain in the middle ages, have been enumerated in the preceding volumes of this work; and I know of no addition that was made to the number of them in the present period¹⁵. A very brief delineation, therefore, of such changes as took place in any of these sciences, though generally for the worse, will here be sufficient.

Though the Latin language was still generally used by divines, lawyers, philosophers, historians, physicians, and even poets, in their writings, and in all public and private deeds of any importance; yet the knowledge of that language appears plainly to have declined in this period. Venerable Bede,

Sciences
not in-
creased.

¹⁵ See vol. 6. ch. 4. §1.; vol. 8. ch. 4. §1.

Alcuinus, Roger Bacon, Joseph Ifcanus, John of Salisbury, Peter of Blois, &c. were pure and classical writers, in comparison of those who flourished in that part of the fifteenth century which is the subject of this book. These last paid very little regard to the peculiar idiom of the language, and thought they had written very good Latin when they had clothed English phrases in Latin words. Sometimes they could not even accomplish this: and when they could not find a Latin word to answer their purpose, they Latinised an English one. Thus William of Wyrcester tells us, that the Duke of York returned from Ireland, “*et arrivavit apud Redbanke prope Cestriam*,” (and arrived at Redbank near Chester); and John Rous, the antiquarian of Warwick, says, that Thomas Grey, Marquis of Dorset, son to Queen Elisabeth, widow of Edward IV., and Sir Thomas Grey her brother, were obliged to fly, “*quod ipsi contravissent mortem ducis protectoris Angliae*,” (because they had contrived the death of the Duke, protector of England¹⁶). It must not, however, be imagined, that the Latin style of all the British writers of this period was equally barbarous; that of Thomas Walsingham, and a few others, was less exceptionable, though far from being classical.

Greek.

While the Greek language was studied with great assiduity and success in Italy, it was almost quite neglected and unknown in Britain, and even in France, in this period. The famous Grocyn,

¹⁶ W. Wyrcester, p. 483. J. Rous Hist. p. 213.

one of the first revivers of learning in England, left his country, at the age of forty-six, A.D. 1488., and travelled into Italy, to study the Greek language, under Chalcondilas, one of the eastern refugees ; which is a sufficient proof, that the knowledge of that language could not then be acquired in Britain¹⁷. There was not so much as one Greek book in the library of the kings of France mentioned above ; and it was not till A.D. 1470. that some of the eastern exiles began to teach Greek in the university of Paris, where it was then (says the historian) almost quite unknown.¹⁸

There were lectures on rhetoric read in the Rhetoric. universities of England in this period ; but that art could not possibly flourish, when the learned languages were so ill understood, and the modern languages so imperfect.¹⁹

It would be improper to spend any time in delineating the state of that scholastic philosophy and theology which still reigned in all the seats of learning, and in the study of which so much time was mispent by so many ingenious men. But, even in that line, few or none made any distinguished figure ; and we hear of no irrefragable or angelic doctors who flourished in this period. About the middle of it, indeed (A.D. 1445.), a kind of literary prodigy, we are told, appeared at

Literary prodigy.

¹⁷ A. Wood, *Athen. Oxon.* vol. 1. col. 15.

¹⁸ *Mémoires de Littérature*, tom. 4. p. 463. 8vo.

¹⁹ *Bulzzi Hist. Univer. Paris.* tom. 5. p. 692. *Wood Hist. Univ. Oxon.* lib. 2. p. 4.

Paris, and defeated all the doctors of that university at disputation. His name was Ferrand of Corduba in Spain; and though he was only twenty years of age, he was a doctor in all the four faculties, of arts, laws, medicine, and divinity. He was a perfect master, not only of the whole Bible, but also of the works of Nicolas de Lyra, Thomas Aquinas, John Hales, John Duns Scotus, Bonaventure, and other divines, and of the decretals, and other books on the civil and canon law; as likewise of the writings of Aristotle, Hippocrates, Avicenna, Galen, Albert the Great, and other physicians. He understood and wrote Latin, Greek, Hebrew, and Arabic; excelled all illuminators, painters, and musicians, in their respective arts; was knighted for his dexterity in the use of arms; and foretold future events by his skill in astrology. The Parisian doctors differed in their opinions of this extraordinary person, some asserting that he was a magician, and full of the devil, others affirming that he was antichrist²⁰. It is not improbable that this young man was possessed of a very extraordinary memory, a facility of acquiring languages, and other accomplishments superior to his years; but great abatements must be made in the above description to entitle it to credit.

Medicine.

Though medicine was now taught and studied in every university, the knowledge of it was rather di-

²⁰ Pasquier, *Recherches de la France*, p. 579, 580. *Bullett Hist. Univer. Parisien.* tom. 5. p. 534.

minished

minished than increased in this period. Dr. Freind, the learned historian of physic, could not find so much as one physician in England, in those times, who deserved to be remembered, or whose works merited any attention. Dr. Gilbert Kymer, physician to Humphrey Duke of Gloucester, composed a medical work called *Dietarium de sanitatis custodia* (A Dietary for the Preservation of Health), which is still extant. It consists of twenty-six chapters, the third and nineteenth of which have been printed, and contain several curious things, and some very salutary advices to the Duke of Gloucester, on a very delicate subject²¹. Dr. John Fauceby, physician to Henry VI., pretended to be an adept in the occult sciences, and obtained a commission from that king to discover an universal medicine, called *the elixir of life*, for the cure of all diseases, wounds, and fractures, and for prolonging life, health, and strength of body, and vigour of mind, to the greatest possible extent of time²². We have no account of the success of this undertaking. The learned reader may see a very full enumeration of the medicines, and medical operations, used by the physicians and surgeons of this period, in the note below, as they are mentioned in a commission granted to the three physicians and two surgeons appointed to attend Henry VI., in that severe illness with which he was seized A.D. 1454.²³

An

²¹ Wyreester, p. 548—558.

²² Rym. Fed. tom. II. p. 379.

²³ In regime medicinalium libere nobis possitis ministrare electuaria, porti nes, aquas, sirupos, confectiones, laxativas medicinas, clisteria,

Sweating
fickness.

An unknown and very violent disease appeared in England towards the end of this period. It was called the *sweating fickness*. In London it carried off two mayors, five aldermen, many other persons of rank and opulence, with a prodigious multitude of the people. It commonly killed those who were seized with it in seven or eight hours; and those who survived twenty-four hours generally recovered ²⁴. It was one of the most singular circumstances of this disease, that Englishmen residing in foreign countries, it is said, were seized with it at the same time, while foreigners residing in England escaped ²⁵. Its symptoms were alarming from the first moment, such as, burning heat, excessive fickness, headache, delirium, unquenchable thirst, vehement pulse, and labouring breath. The physicians had neither skill nor presence of mind to administer much relief to their afflicted patients. This dreadful distemper first visited England A.D. 1483., and repeated its visitations, in the following years, viz. 1485. 1506. 1517. 1528., and last of all in 1551. ²⁶

Surgery.

In those martial times, when the people of Britain were almost constantly engaged in war, we might imagine that the very useful art of surgery would be diligently studied and well understood.

clisteria, suppositoria, caputpurgia, gargarismata, balnia, epithimata, fomentationes, embrocationes, capitis rafuram, unctiones, emphra, cerota, ventosas cum scarificatione vel fine, emeroidarum provocaciones.
Rym. Fœd. tom. 11. p. 347.

²⁴ Continuatio Hist. Croyl. p. 570.

²⁵ Freind's Hist. Phys. vol. 2. p. 335.

²⁶ Id. ibid.

But

But this was not the case. Anatomy, without a competent knowledge of which no man can be a skilful surgeon, was not merely neglected, but abominated as a barbarous violation of the remains of the dead. The number of surgeons in England was very small, and few of them were famous, or much respected for their skill. When Henry V. invaded France, A.D. 1415., with a great fleet and army, he carried with him only one surgeon, Thomas Morstede, who engaged to bring in his company fifteen persons, twelve of them of his own profession, and three of them archers; Morstede was to have the pay of a man at arms, and his twelve affistants the same pay with common archers²⁷. The same prince found it still more difficult to procure a competent number of surgeons to attend his army in his second expedition into France, and was obliged to grant a warrant to the same Thomas Morstede, to press as many surgeons as he thought necessary into the service, with artifts to make their instruments²⁸. In these circumstances, there can be no doubt that many lost their lives for want of proper affistance in their distress. That heroic prince Henry V., himself, it is highly probable, fell a sacrifice to the ignorance of his medical attendants.

The operation of lithotomy for extracting the stone was not unknown to the ancients, but seems my. Lithoto- to have been disufed in the middle ages, and was revived again at Paris A.D. 1474. An archer

²⁷ Rym. Fed. tom. 9. p.237.

²⁸ Id. ibid. p. 363.

who

who was tormented with the stone, being condemned to be hanged for robbery, the physicians and surgeons of Paris represented to the King, that many of his subjects were afflicted with that painful distemper for which they could find no remedy, and prayed that they might be permitted to try the operation of extracting the stone upon the condemned criminal. Their petition was granted: the stone was extracted, and the patient recovered; which encouraged others to submit to the operation²⁹. But I have not met with any evidence that this operation was performed in England in the present period: for the circulation of literary intelligence was then slow, which formed one obstruction, amongst many others, to the progress of learning.

Mathemati-

cics. The mathematical sciences were not wholly neglected in the darkest ages; but they were cultivated with little success, and with improper views. Astrology was so much the study of the mathematicians of those times, that mathematician and astrologer were synonymous terms³⁰. The pretenders to that fallacious science were loaded with honours and rewards; and in the preceding century, the wisest princes in Europe paid more regard to the responses of their astrologers than to the counsels of their ministers³¹. But astrologers began to sink in their credit in the course of this period, some despising them as impostors, and others detesting

²⁹ Monstrelet, an. 1474. Villar. tom. 18. p. 124.

³⁰ Du Cange, voc. Mathematicus.

³¹ Mémoires de Littérature, tom. 4. p. 466, &c. 8vo.

them as magicians, while too many still revered them as men of the most consummate learning and wisdom. One Arnold de Marefts, an astronomer, published a book on Astrology in France, A.D. 1466., which made a mighty noise. The King sent the book to the university of Paris, requiring that learned body to examine it, and report their opinion. The university appointed certain deputies out of each of the four nations to examine this work ; who reported — “ That it contained many superstitions, many conjurations, many manifest and horrible invocations of the devil, with several latent heresies and idolatries ³². ” In England there was a board of commissioners, consisting of several doctors, notaries, and clerks, for discovering and apprehending magicians, enchanters, and sorcerers, probably comprehending astrologers ³³. When these commissioners had discovered one of these offenders, they procured a warrant from the King for apprehending him with all his apparatus. It was by virtue of such a warrant that Thomas Northfield, professor of divinity and sorcerer, was apprehended at Worcester, A.D. 1432., with all his books and instruments. ³⁴

The science or art of alchymy, which pretended to produce a remedy for all diseases, and to transubstantiate the baser metals into the purest gold and silver; was more encouraged by government in the reign of Henry VI. than any other Alchymy.

³² Bulci Hist. Univ. Paris. tom. 5. p. 678.

³³ Rym. Fed. tom. 10. p. 852.

³⁴ Id. ibid. p. 504.

art or science. In that reign we find many protections given to different alchymists, to secure them from the penalty in an act of parliament made A.D. 1403., and from the fury of the people, who believed that they were assisted in their operations by infernal spirits³⁵. As these royal protections contain the sentiments entertained by that king and his ministers on this subject, it may not be improper to insert here a translation of the most material part of one of them.

“ Ancient sages and most famous philosophers
 “ have taught, in their books and writings, un-
 “ der figures and emblems, that many notable
 “ and most glorious medicines may be extracted
 “ from wine, precious stones, oils, vegetables,
 “ animals, metals, and semimetals; and parti-
 “ cularly a certain most precious medicine, which
 “ some philosophers have named the Mother and
 “ Queen of Medicines, some the Inestimable
 “ Glory, others the Quintessence, others the
 “ Philosopher’s Stone, and others the Elixir of
 “ Life. The virtue of this medicine is so admir-
 “ able and efficacious, that it cures all curable
 “ diseases with ease, prolongs human life to its
 “ utmost term, and wonderfully preserves man in
 “ health and strength of body, and in the full pos-
 “ session of his memory, and of all the powers and
 “ faculties of his mind. It heals all curable
 “ wounds without difficulty, is a most sovereign
 “ antidote against all poisons; and is capable of

³⁵ Statutes, 5th Hen. IV. c. 4. Rym. Fed. tom. II. p. 68. 240.
 309. 379.

“ pro-

“ procuring to us and our kingdom other great
“ advantages, such as the transmutation of other
“ metals into real and fine gold and silver.

“ We frequently revolve in our mind, by long
“ and serious meditation, how delectable, and
“ profitable it would be to us and our dominions,
“ if this precious medicine could be discovered
“ by the blessing of God on the labours of
“ learned men ; and also how that few or none,
“ in former times, have attained to the true
“ method of making this most glorious medicine,
“ partly owing to the difficulties attending the
“ operation, but chiefly because the most learned
“ men have been, and still are discouraged and
“ deterred from the undertaking, by the fear of
“ incurring the penalties in a certain law made
“ in the reign of our grandfather Henry IV.
“ against alchymists.

“ Wherefore it seems right and expedient to
“ us to provide, select, and appoint certain in-
“ genious men sufficiently skilled in the natural
“ sciences, well inclined and disposed to attempt
“ the discovery of the foresaid medicine, who
“ fear God, love truth, and hate all deceitful,
“ fallacious, metallic tinctures ; and by our
“ authority and prerogative royal to provide
“ sufficiently for the quiet, safety, and indem-
“ nity of these men, that they may not be dis-
“ turbed or injured in their persons or goods,
“ while they are engaged in this work, or after
“ they have finished their labours,

“ We therefore, confiding in the fidelity, cir-
“ cumpection, profound learning, and extraor-
“ dinary

“ dinary skill in the natural sciences, of these famous men John Fauceby, John Kirkeby, and John Rayny, elect, assign, nominate, and license all and each of them; and of our certain knowledge, and by our authority and prerogative royal, we, by these presents, grant to all and each of them, liberty, warrant, power, and authority, to inquire, investigate, begin, prosecute, and perfect the foresaid medicine, according to their own discretion, and the precepts of ancient sages, as also to transubstantiate other metals into true gold and silver; the above statute, or any other statute, to the contrary notwithstanding. Further, we hereby take the said John, John, and John, with all their servants and afflstant, into our special tuition and protection³⁶. ” This curious commission was confirmed by parliament, 31st May A. D. 1456.

*Ignorance
of the
people.*

When learning was in so low a state among those of high rank and learned professions, we may conclude that the common people were totally illiterate. It was not till the reign of Henry IV. that villains, farmers, and mechanics, were permitted by law to put their children to school³⁷; and long after that, they dared not to educate a son for the church, without a licence from their lord. But it seems to be quite unnecessary to follow the faint traces of learning any further in this benighted period.

³⁶ Rym. Fed. tom. xi. p. 379.

³⁷ Statutes 7th Hen. IV. chap. 17.

SECTION II.

*History of the learned Men who flourished in Britain,
from A.D. 1399. to A.D. 1485.*

AFTER the account that hath been given of Few learn-
the state of learning in Britain in this period, ed men.
we cannot expect to find many persons in it so
eminent for their genius and erudition as to merit
a place in the general history of their country. If
many such persons had then existed, they would
have dispelled, in some degree, that profound
darkness in which their country was involved¹. It
is true, that Leland, Bale, Pits, Cave, and Tan-
ner, the writers of our literary history, give us the
names of many authors who flourished in this pe-
riod, with the titles of their works, and assure us,
according to their custom, that they were all won-
derfully learned. But these boasted authors were,
for the most part, obscure monks, knavish or de-
luded alchymists or astrologers, whose works have
deservedly sunk into oblivion; nor have I been
able to discover so much as one divine, philosopher,
or physician in Britain, in those times, who did
honour to his country by his writings. It would

¹ It is a strong presumptive proof of the truth of that account given in the preceding section, of the declining state of learning in this period, and of the paucity of learned men who flourished in it, that it hath afforded the very well informed and industrious authoress of *Biographia Britannica* only four or five articles; and these, except two, the most insignificant in that valuable work.

be easy to fill many pages with the history of many writers who enjoyed, perhaps, some little pre-eminence in their own times, whose names and writings are now as little regarded as if they had never been ; but as this could answer no good purpose, it shall be omitted.²

Historians.

Our historians in this period were not better or more elegant writers than our divines, philosophers, and physicians; but as they have recorded many curious and important facts, in the best manner they could, they have deserved well of their country, and merit some attention. Mr. William Caxton, who was more famous as a printer than as a writer, gives this reason for his writing a continuation of Higden's Polycronicon, from A.D. 1357. to A.D. 1460. : " Because " mennes wyles in this tyme ben oblyvious and " lyhtly forgotten many thyngys dygne to be " put in memorie ; and also there cannot be " foundin in these days but few that wryte in " theyr regysters siche thyngis as daily happen " and falle."³

Walsingham.

Thomas Walsingham, a monk in the abbey of St. Alban's, was unquestionably the best of our historians in this period. His style is indeed, according to his own confession, rude and unpolished ; and he relates many ridiculous stories of visions, miracles, and portents : but this was the vice of the age rather than of the man ; and must be forgiven to him and others. His narrative is far

² See Leland, Bale, Pits, Cave, Tanner, Warton's *Anglia Sacra*, Godwin de Praefulibus Anglis. ³ Ames's *Typography*, p. 32, 33.

more full, circumstantial, and satisfactory, than that of the other annalists of those times; and contains many things nowhere else to be found. He compiled two historical works of considerable length. The one he entitled, "A History of England," beginning at the 57th Henry III., A.D. 1273., and concluding with an account of the splendid funeral of Henry V., and the appointment of Humphrey Duke of Gloucester to the regency of England. To the other he gave the whimsical name of "Ypodigma Neufriae," which is a history of Normandy (anciently called Neustria), interspersed with the affairs of England from the beginning of the tenth century to A.D. 1418. In the dedication of this work to Henry V., he tells that prince, that when he reflected on the cunning intrigues, frauds, and breaches of treaties in his enemies the French, he was tormented with fears that they would deceive him; and had composed that work, which contained many examples of their perfidy, to put him upon his guard.⁴

Thomas Otterbourne, a Franciscan friar, composed a history of England, from the landing of Brutus the Trojan to A.D. 1420. It is extracted, as he acknowledges, from former historians, as Jeoffrey of Monmouth, Venerable Bede, William of Malmesbury, Henry of Huntington, Roger Hoveden, and Higden's Polycronicon, for the benefit of those who could not procure an opportunity of perusing their works. It is certainly not

⁴ See *Camdine Anglicæ, Normannica, &c.* p. 43—592.

a masterly performance ; and yet it ought to be consulted, and affords some useful information in the history of his own times.⁵

Whethamstede.

John Whethamstede, abbot of St. Alban's, wrote a chronicle of twenty years of this period, beginning A. D. 1441., and ending A. D. 1461. It contains many original papers, and gives a very full account of some events, particularly of the two battles of St. Alban's. More than one half of his chronicle is filled with the affairs of his own abbey, to which he was a great benefactor. The most remarkable circumstance in the personal history of this writer, is his longevity. He was ordained a priest A. D. 1382., and died A. D. 1464. when he had been eighty-two years in priest's orders, and above one hundred years of age.⁶

Elmham.

Thomas de Elmham, prior of Linton, wrote a copious history of the life and reign of Henry V. in a very inflated and disgusting style. But as he was the contemporary of that great prince, and had his information from persons of rank and honour, who were eye-witnesses of most of the events which he relates, his work is valuable.⁷

Titus.
Livius.

The history of Henry V. was also written by one who took the name of Titus Livius, and whose real name is not known. He was an Italian by birth ; and not meeting with proper encouragement in his own country, he came into England, and put himself under the protection of Humphrey

⁵ T. Otterbourne Hist. a T. Hearn edit. Oxon. 1732.

⁶ Id. in præfat. tom. 1. 57, 58, tom. 2.

⁷ Th. de Elmham, Vita Hen. V. a T. Hearn edit. Oxon. 1727.

Duke of Gloucester, that munificent patron of learned men, who made him his poet-laureat, and persuaded him to write the history of the late king, his brother. His work is a free judicious epitome of the above history of Thomas de Elmham, leaving out some things, and adding others. In his style, he was a professed but very unsuccessful imitator of the great Roman historian whose name he assumed.¹

William Bottomer, better known by the name Bottomer of William of Wyrcester, was born at Bristol, and educated at Harts-hall, Oxford, where he was supported by the famous warrior Sir John Falstolf, to whom he became a retainer. Our literary historians, who copy one another, tell us, that he was a good mathematician, an expert physician, a great cosmographer, and a famous historian. If he deserved the other characters no better than the last, they were bestowed upon him very improperly. He wrote meagre annals of England from A.D. 1324. to A.D. 1468., in a most barbarous style; but as they contain some things that are not to be found in any other work, they are of some value, and must be consulted.

John Rous, the antiquary of Warwick, is celebrated by our literary historians as a man of immense learning, and indefatigable industry in collecting materials for a history of the kings of England². But when we peruse the work, how

¹ Titi Livii Vita Hen. V. a T. Hearn edit. Oxon. 1716.

² Leland, p. 473. Tanner, p. 643.

greatly are we disappointed ! His language is incorrect and barbarous, his credulity childish, his digressions long and frequent, and his narrations of the most important events short and unsatisfactory. He begins his history at the creation, and tells us, amongst other extraordinary things, that Moses mentions only one antediluvian city, which was built by Cain, and called by him *Enoch*, in honour of Enoch, his eldest son ; but that the famous man Bernard de Breydenbach, dean of Mentz, writes, that there were eight noble cities built before the flood ; and he tells this story in such a manner as to convince us, that he gave as much credit to Bernard de Breydenbach as to Moses¹⁰. But notwithstanding all its imperfections, this work of John Rous is of considerable use, as he incidentally mentions many curious particulars concerning the state of England, and the manners of its inhabitants, in his own times. He died in a very advanced age, A.D. 1491.

Fabian.

All the authors above-mentioned wrote in Latin ; but Robert Fabian, a merchant and alderman of London, wrote a chronicle of England and France, called, *The Concordance of Stories*, in the English of his age, which is very intelligible. It is divided into seven parts, the first beginning at the arrival of Brutus, and the last ending at the 20th Henry VII., A.D. 1504. The histories of England and France are intermixed, but given in distinct chapters. This work is valuable for the

¹⁰ J. Roffii Historia Regum Anglorum, p. r.

plainness

plainness and sincerity with which it is written; for the lists, first of the bailiffs, and afterwards of the mayors and sheriffs of London; and for many other particulars relating to that great city."¹¹

Some other chroniclers lived and wrote in this period, particularly John Harding and William Caxton, whose works have been printed; but those who expect much information or amusement in the perusal of them will be disappointed. The writers and lovers of English history are much more indebted to the labours of three French gentlemen, Sir John Froissart, Philip de Comines, Lord of Argenton, and Denguerran de Monstrelet, who give more full and circumstantial relations of many transactions than any of our own contemporary historians.

Though the law-colleges in London, commonly called the *Inns of Court and Chancery*, were crowded with students of law in this period, few gentlemen of that profession made a distinguished figure as authors, if we except Sir Thomas Littleton and Sir John Fortescue, who have merited a place in the history of their country by their learned labours.

Sir Thomas Littleton, descended of an ancient and honourable family in the county of Worcester, when of a proper age, and duly qualified, became a student of law in the Inner Temple.¹² After he had been some time at the bar, and his abilities were known, he was promoted first,

¹¹ Fabian's Chronicle, printed by W. Raftall, 1533.

¹² Fortescue de Laudibus Legum Angliae, ch. 49.

to be a judge of the Marshalsea court, made king's sergeant and justice of assize A.D. 1455., and one of the judges of the court of Common Pleas A.D. 1466., having conducted himself with so much moderation and prudence in those difficult times, as to possess the favour of the contending families of Lancaster and York. Our judge, at his leisure hours, composed his learned and useful work on English tenures of lands, to which he is indebted for that fame which he hath long enjoyed, and will probably much longer enjoy. The learned judge died in an advanced age, August 23., A.D. 1481., leaving three sons to share his ample fortune.¹³

Fortescue. Sir John Fortescue was the great ornament of his honourable profession, and one of the most learned and best men of the age in which he flourished. Being the third son of Sir Henry Fortescue, Lord Chief Justice of Ireland, he was early intended for the law, and at a proper age entered a student in Lincoln's Inn, where he soon became famous for his superior knowledge, both of the civil and common law. When he was reader in that society, his lectures were attended with crowded audiences, and received with great applause¹⁴. He was made a sergeant at law, A.D. 1430.; appointed king's sergeant A.D. 1441.; and raised to the high office of Chief Justice of the King's Bench, A.D. 1442., in which he presided many years with great

¹³ See Biographia Britannica, vol. 5. p. 2975.

¹⁴ Bale, p. 513.

wisdom, dignity, and uprightness. As the Chief Justice was steady in his loyalty to his sovereign, Henry VI., he shared in his misfortunes, and was attainted of high treason by the first parliament of Edward IV., A.D. 1461., after he had fled into Scotland with his unfortunate master¹⁵. It was probably there that he was created Lord Chancellor of England, an office which he never had an opportunity of exercising. Having retired into France, A.D. 1463., with Queen Margaret and her son Edward Prince of Wales, he remained there several years, assisting them with his counsils, and superintending the education of that hopeful young prince. It was for his instruction, to give him clear and just idées of the constitution of England, as a limited and legal, and not an absolute monarchy, that he composed his admirable little treatise, *De Laudibus Legum Angliae*; which, for the excellence of its method, the solidity of its matter, and the justness of its views, excels every work on that subject, in so small a compass, and must endear the memory of this great and good man to every friend of our happy constitution. This excellent treatise, after remaining too long in obscurity, was printed, and hath passed through several editions¹⁶. Sir John Fortescue accompanied Queen Margaret and Prince Edward in their last unfortunate expedition into England, and was taken prisoner, after

¹⁵ W. Worcester, an. 1461.

¹⁶ See the well-written Life of Sir John Fortescue, in *Biographia Britannica*.

the defeat of their army, at Tewksbury, May 4., A.D. 1471. Though Edward IV. made rather a cruel use of his victory, he spared the life of this venerable sage; and after some time restored him to his liberty, and probably to his estate, and received him into favour. Sir John, like a wise and good man, acquiesced in the decision of Providence in the fatal contest between the houses of York and Lancaster; and, considering the last of these houses as now extinct, he frankly acknowledged the title of Edward IV. to the crown, and wrote in defence of that title. But he still retained the same political principles, and particularly his zealous attachment to a limited and legal government, in opposition to absolute monarchy. This is evident from his excellent treatise, on the difference between an absolute and limited monarchy, which, after remaining long in MS., was published by an honourable descendant of the author, A.D. 1714. This treatise is written in English, was designed for the use of Edward IV., and is valuable as a specimen of the English of those times; but much more valuable on account of the many curious particulars it contains concerning the constitution of England, and the condition of its inhabitants¹⁷. I heartily subscribe to the character given of this treatise by a very good judge of literary merit: “Take it all together, and it will appear to be a work which affords us full evidence of the learning, wisdom,

¹⁷ See the difference between an absolute and limited monarchy, &c. written by Sir John Fortescue, &c. published by John Fortescue A.D. 1714.

“upright-

“ uprightness, public spirit, and loyal gratitude
 “ of its author, as any that is extant in ours or
 “ in any modern language¹⁸. ” This learned
 judge composed several other works, which are
 still extant in MS., and some which are probably
 lost; and, after a long, active, and virtuous life,
 chequered with prosperity and adversity, he paid
 the last debt to nature in the ninetieth year of
 his age.¹⁹

The love of learning was by no means the pre-
 vailing taste of the great in the times we are ex-
 amining. Even in a later period, “ it was thought
 “ enough for a nobleman’s son to winde their
 “ horn, and to carry their hawk fair, and leave
 “ study and learning to the children of mean
 “ people²⁰. ” A few persons, however, of high
 rank possessed such strength of mind as to resist
 the tyranny of fashion, and engage with no little
 ardour and success in the pursuit of learning, and
 on that account deserve to be remembered with
 honour by posterity.

Ignorance
of the
great.

James I., King of Scotland, was not only the James I.
 most learned king, but one of the most learned
 men, of the age in which he flourished. This in-
 genious and amiable prince fell into the hands of
 the enemies of his country in his tender youth,
 when he was flying from the snares of his unna-
 tural, ambitious uncle, who governed his domi-
 nations, and was suspected of designs against his life.

¹⁸ Biographia Britannica, vol. 2. p. 1997.

¹⁹ Id. ibid.

²⁰ Id. ibid. p. 1236.

The King of England knew the value of the prize he had obtained, and kept it with the most anxious care. The Prince was conducted to the tower of London immediately after he was seized, April 12., A.D. 1405., and there kept a close prisoner till June 10., A.D. 1407., when he was removed to the castle of Nottingham, from whence he was brought back to the Tower, March 1., A.D. 1414, and there confined till August 3. in the same year, when he was conveyed to the castle of Windsor, where he was detained till the summer of A.D. 1417; when Henry V., for political reasons, carried him with him into France in his second expedition²¹. In all these fortresses, his confinement, from his own account of it, was so severe and strict, that he was not so much as permitted to take the air; —

Quhare as in ward full oft I wold bewaille
 My dedely lyf, full of peyne and periance,
 Saing zyt thus, quhat have I girt to faille
 My fredome in this waird, and my pefiance?
 Sin every weight has thereof suffiance.

Bewailing in my chamber thus allone,
 Dispeir'd of all joye and remedie,
 For-tirit of my thot, and wo-begone,
 And to the wyndow gan I walk in hrye,
 To see the wairld, and folk that went forbye,
 As for the tyme, though I of mirthis fude
 Myt have no more, to luke it did me gude.²²

²¹ Rym. Fed. tom. 8. p. 484. tom. 9. p. 2. 44.

²² The King's Quhair, a poem, by James I., canto 2. Stan. 9.

King James was about thirteen years of age ^{Fond of reading,} when he lost his liberty, and was kept in this uncomfortable close confinement till he was about twenty-six. In this melancholy situation, so unsuitable to his age and rank; books were his chief companions, and study his greatest pleasure. He rose early in the morning, immediately applied to reading, to divert him from painful reflections on his misfortunes, and continued his studies, with little interruption, till late at night.

The long dayes and the nightis eke,
I wold bewaille my fortune in this wise,
For quich again distresse comfort to seke,
My custum was on mornis for to rise
Airly as day, O happy exercife !
Bot slep for craft in erth myt I no more ;
For quich, as tho^d could I no better wyle,
I toke a boke to rede upon a quibile :
Myn eyne gan to smart for studying ;
My boke I schet, and at my hede it laid.²³

James being naturally sensible, ingenious, and fond of knowledge, and having received a good education in his early youth, under the direction of Walter Wardlaw, Bishop of St. Andrew's; by thiscloseapplication to study, became an universal scholar, an excellent poet, and exquisite musician. That he wrote as well as read much, we have his own testimony, and that of all our historians who lived near his time ²⁴. Bowmaker, the continuator of Fordun, who was his contemporary, and

<sup>Universal
scholar.</sup>

²³ King's Quhair, canto 2. stanza 10. canto 1. stan. 2. 3.

²⁴ Id. canto 1. st. 13.

personally

personally acquainted with him, spends ten chapters in his praises, and in lamentations on his death; and, amongst other things, says, that his knowledge of the scriptures, of law, and philosophy, was incredible²⁵. Hector Boeſe tells us, that Henry IV. and V. furnished their royal prisoner with the best teachers in all the arts and sciences; and that, by their assistance, he made great proficiency in every part of learning, and the fine arts; that he became a perfect master in grammar, rhetoric, poetry, music, and all the secrets of natural philosophy, and was inferior to none in divinity and law. He observes further, that the poems he composed in his native tongue were so beautiful, that you might easily perceive he was born a poet; but that his Latin poems were not so faultless; for though they abounded in the most sublime sentiments, their language was not so pure, owing to the rudeness of the times in which he lived²⁶. From one of his English poems which hath been lately rescued from oblivion, and presented to the public, by the laudable industry of its learned editor, it plainly appears, that its royal author was possessed of a great variety of learning, as well as of a genuine spirit of poetry; and if his other works had been preserved, it is probable we should have had still stronger evidences of his erudition²⁷. But the works of James I. have been as unfortunate as their author; and all his Latin, and many

²⁵ Scoticron. lib. 16. c. 28—38.

²⁶ Hect. Boeſe. Scot. Hist. lib. 16. fol. 340.

²⁷ See the Poetical Remains of James I. Edinburgh, 1783.

of his English compositions, are, it is to be feared, irrecoverably lost.

John Tiptoft, Earl of Worcester, who flourished in the reigns of Henry VI. and Edward IV. was greatly distinguished among the nobility of his time, by his genius and love of learning. He succeeded to the great estates of his family, by the death of his father John Lord Tiptoft, 21st Henry VI., when he was about sixteen years of age; and, six years after, was honoured by that monarch with the higher title of Earl of Worcester²⁸. This accomplished nobleman was, by the same prince, constituted Lord High Treasurer of England, when he was only twenty-five years of age²⁹. The Earl of Worcester very early discovered a taste for learning, and at a proper age prosecuted his studies at Balliol college in Oxford; where, as his contemporary and fellow-student, John Rous of Warwick, tells us, he was much admired for his rapid progress in literature³⁰. In the twenty-seventh year of his age, he was commissioned, with some other nobleman, to guard the narrow seas, and performed that service with honour to himself and advantage to his country³¹. But in the midst of all these honourable toils and offices, his love of learning continued unabated; and he resolved to travel for his improvement. Having visited the Holy Land, he returned to Italy, and settled at Padua, where

Earl of
Worcester.

²⁸ Dugdale's Baronage, vol. 2. p. 41.

²⁹ Leland de Script. Britan. p. 475.

³⁰ J. Roffii Hist. p. 5.

³¹ Dugdale, v. 2. p. 41.

Lodovicus Carbo, Guarinus, and John Phrea, an Englishman, were then very famous for their learning, and attracted great crowds of students. Our illustrious stranger was treated with great respect at Padua, and much admired by all the men of letters, for the knowledge he already possessed, and his ardour in adding to his stores. His countryman, John Phrea, dedicated two books which he then published, to the Earl of Worcester; and in these dedications he bestowed the highest praises on his patron, for his genius, learning, and many virtues ; and amongst other things, says, " Those superior beings, whose office " it is to be the guardians of our isle of Britain, " knowing you to be a wise and good man, an " enemy to faction, and a friend of peace, warned " you to abandon a country which they had " abandoned, that you might not be stained by " mixing with impious and factious men ". While he resided at Padua, which was about three years, during the heat of the civil wars in England, he visited Rome, and delivered an oration before Pope Pius II. (Æneas Silvius), and his cardinals, which drew tears of joy from His Holiness, and made him say aloud, " Behold the only prince " of our times, who, for virtue and eloquence " may be justly compared to the most excellent " emperors of Greece and Rome ". Such a compliment from an Italian to an Englishman must have been extorted by the force of truth.

²¹ Leland, p. 477.

²² Id. p. 476.

The Earl of Worcester was a great collector of books; and while he resided in Italy, he expended much money in literary purchases. "The Earl of Worcester (says Laurentius Carbo), captivated by the charms of the Muses, hath remained three years in Italy, and now resides at Padua, for the sake of study, and detained by the civilities of the Venetians; who, being exceedingly fond of books, hath plundered, if I may so speak, our Italian libraries, to enrich England."³⁴ After his return home, he made a present of books to the university-library of Oxford, which had cost him 500 marks³⁵: a great sum in those times.

As soon as the Earl received intelligence that the civil war was ended, by the elevation of Edward IV. to the throne, he returned to England, submitted to that prince, was received into his favour, and raised by him to several places of power and trust. In the second year of that reign, he was made treasurer of the exchequer, and in the next year, chancellor of Ireland for life. He was soon after constituted lord deputy of Ireland, under the Duke of Clarence, and at last made lord lieutenant of that kingdom, and constable of England. In a word, he was loaded with favours; and hardly a year passed in which he did not receive some valuable grant or great office.³⁶

Returned
to Eng-
land.

³⁴ Leland, p. 478.

³⁵ Tanner, p. 715.

³⁶ Dugdale, vol. 2. p. 41.

Beheaded.

But this prosperity was not of long duration. A new revolution took place. Edward IV. was obliged to abandon his kingdom with great precipitation to save his life. The Earl of Worcester was not so fortunate as to escape; but after he had concealed himself a few days, he was discovered on a high tree in the forest of Waybrig, conducted to London, condemned at Westminster, and beheaded on Tower-hill, October 15., A.D. 1470., in the 42d year of his age³⁷. He was accused of cruelty in the government of Ireland; but his greatest crime, and that for which he suffered, was, his steady loyalty to his rightful sovereign and generous benefactor, Edward IV. “ O good “ blessed Lord God! (faith Caxton,) what grete “ losse was it of that noble, virtuous, and well- “ disposed lord the Earl Worcester! What “ worship had he at Rome, in the presence of our “ holy fader the Pope, and in all other places “ unto his deth! The axe then did at one blow “ cut off more learning than was in the heads of “ all the surviving nobility³⁸.” Caxton was his contemporary; and being also a zealous Yorkist, could not but be well acquainted with him.

Works.

This earl translated the Orations of Publius Cornelius, and Caius Flaminius, rivals for the love of Lucretia; and his translation (says Leland) was so neat, elegant, and expressive, that it equalled the

³⁷ Dugdale, vol. 2. p. 41.

³⁸ See Royal and Noble Authors, vol. I. p. 59—67.

beauty

beauty of the original³⁹. He translated also into English, Cicero *De Amicitia*, and his treatise *De Senectute*; and these translations were printed by Caxton, A.D. 1481.⁴⁰ His famous oration before the Pope and cardinals, and most of his original works, are lost, a few letters and small pieces only remaining in MS.⁴¹

Another English nobleman, contemporary with the Earl of Worcester, who was an author, and had a taste for letters, was Anthony Wodevile, Earl Rivers, brother to Elizabeth Wodevile, Lady Gray, Queen of Edward IV. He was, in all respects, one of the most accomplished noblemen of his age. But as it is only as a man of letters he is introduced here, it is only his literary character and history that can with propriety be given in this place. I have not discovered where this nobleman was educated, or how far he pursued his studies; but as he was early and constantly engaged in the tumults of those turbulent times, or in discharging the duties of the high offices with which he was invested, it is probable that he made no great progress in the cultivation of the sciences; and as his works consist of translations from the French, they did not require much erudition.

The following account of these works, by his works printer and great admirer, honest William Caxton, will be more satisfactory than any that can be given by a modern writer. "The noble and virtuous

³⁹ Leland, p. 480.

⁴⁰ Tanner, p. 716.

⁴¹ Id. ibid.

“ Lord Anthoine, Erle Ryviers, Lord Scales, and
 “ of the Isle of Wight—uncle and governour to
 “ my lorde Prince of Wales—notwithstanding the
 “ great labours and charges that he hath had in
 “ the service of the King and the said Lord Prince,
 “ as well in Wales as in England, which hath be-
 “ to him no little thought and bisines, both in
 “ spirite and body, as the fruit thereof experiment-
 “ ally sheweth; yet over that, tenricher his virtu-
 “ ous dispoficion, he hath put him in devoyr, at
 “ all tymes when he might have a leyfer, whiche
 “ was but starte-mele, to translate diverse bookee,
 “ out of Frensh into English. Emong other,
 “ paffed thurgh myn hande, the booke of the
 “ Wise Sayinges or Diétes of Philosophers—and
 “ the Wise Holſom Proverbes of Cristine of
 “ Pyſe, ſet in metre. Over that, hath made di-
 “ verſe balades againſt the ſeven dedely fynnes.
 “ Furhermore, he took upon him the translating
 “ of this preſentworke, named Cordyale, truſting,
 “ that bothe the reders and the hearers thereof
 “ ſholde know themſelv heraftre the better, and
 “ ammende their lyvyng⁴². ” These three books,
 translated from the French by Earl Rivers, were
 printed by Caxton, A.D. 1477. and 1478.; and
 our earl, and his printer Caxton, were the firſt
 English writers who had the pleasure to ſee their
 works published from the preſs. His ballads
 againſt the ſeven deadly fins, I preſume, are loſt;
 but John Rous of Warwick hath preſerved a ſhort

⁴² Biographia Britannica, vol. 2.

poem,

poem, which he is said to have composed in his prison in Pomfret castle, a little before his death, which breathes a noble spirit of pious resignation to his approaching fate⁴³. This accomplished, brave, and amiable nobleman, as hath been already related, was beheaded, at Pomfret, 23d June A.D. 1483., in the 41st year of his age.⁴⁴

Who can help observing, with surprise and sorrow, that King James I., the Earls of Worcester and Rivers, the great ornaments of Britain in the age in which they flourished, were all cut off, in the prime of life, by unmerited and violent deaths? This is one proof, amongst many others, of the cruel ferocious spirit which reigned in those unhappy times. May such a spirit be held in everlasting detestation!

SECTION III.

History of the chief Seminaries of Learning founded in Great Britain, from A.D. 1400. to A.D. 1485.

THOUGH learning sensibly declined in Britain in this period, that was not owing to the want of schools, colleges, and universities; as, in the course of it, three colleges were founded in each of the English universities, and the two universi-

Schools
founded.

⁴³ Roffi Hist. p. 214.

⁴⁴ See Royal and Noble Authors, vol. 1. p. 67—80.

ties of St. Andrew's and Glasgow were founded in Scotland.

*Lincoln
College.*

Richard Fleming, Bishop of Lincoln, was the founder of Lincoln College in Oxford. In his youth he was a great admirer of Dr. Wickliffe, and a zealous advocate for his opinions; but having obtained good preferments in the church, and expecting better, he changed his principles, and became as violent an opposer as he had been a defender of these opinions. Having been raised to the episcopal chair of Lincoln, he founded Lincoln College, in Oxford, A.D. 1430., for a rector and seven scholars, who were to make controversial divinity their particular study, to fit them for defending the church against the Lollards, by their writings and disputationes. Bishop Fleming died soon after he had laid the foundation of his college, and left it in a very imperfect state. But the buildings were carried on, and several fellowships founded by successive benefactors; and at length the whole was completed about A.D. 1475., by Thomas Scott of Rotheram, Bishop of Lincoln, who may be called the second founder of this college.

*All-Souls
College.*

Henry Chicheley, Archbishop of Canterbury, founded All-Souls College in Oxford, A.D. 1437. Having determined to devote his money to pious and charitable uses, his friends, with whom he consulted, advised him to build an hospital for the disabled soldiers, who were daily returning from the

¹ Ant. Wood, Hist. Univ. Oxon. lib. 2. p. 159, &c.

wars in France. But this great prelate, being more under the influence of superstition than humanity, and thinking it a greater act of charity to relieve the souls of the dead than the bodies of the living, founded a college for a warden and forty fellows, and appointed them to put up incessant prayers for the souls of those who had fallen in the French wars, and for the souls of all the faithful departed, from whence it was called *Collegium Omnium Animarum*, the College of All-Souls. The Archbishop expended 4545l. on the fabrick, and procured a considerable revenue for it out of the lands of the alien priories, which had been dissolved a little time before.²

William Patten, Bishop of Winchester, founded a college at Oxford, dedicated to St. Mary Magdalene, and from thence called Magdalene College; for a president, forty fellows, thirty scholars, four presbyters, eight singing clerks, sixteen choristers, with suitable officers and servants. The foundation of the fabrick was laid A.D. 1458., and the whole structure was completed A.D. 1479. This college, by the bounty of its founder, and other benefactors, soon became one of the richest in Europe.³

Magdalene
College.

Henry VI. founded King's College in Cambridge, A.D. 1443., for one provost, seventy fellows and scholars, three chaplains, six clerks, sixteen choristers, with a master, sixteen officers,

King's
College.

¹ Ant. Wood, Hist. Univer. Oxon. lib. 2. p. 172, &c.

² Id. ibid. p. 187, &c.

twelve servitors, &c. The original plan of this foundation was truly royal and magnificent, if we may judge of it from the chapel, which hath been long and universally admired as one of the finest pieces of Gothick architecture in the world. But the misfortunes of the unhappy founder prevented the execution of that plan⁴. King Henry founded also the illustrious school of Eton, near Windsor, about the same time, to be a nursery for his college in Cambridge.

Queen's
College,
Cam-
bridge.

Queen Margaret, the active ambitious consort of Henry VI., founded Queen's College in Cambridge, A.D. 1448. This college was involved in the misfortunes of its foundress, and in danger of perishing in its infancy; but was preserved by the care and diligence of Andrew Ducket, its first president, who continued in that station no less than forty years; and by his affiduous solicitations, procured it so many benefactions, that he may, with great propriety, be esteemed its preserver and second founder.⁵

Katha-
rine Hall,
Cam-
bridge.

Robert Woodlark, the third provost of King's College, founded Katherine-Hall in Cambridge, A.D. 1475., for a master and three fellows. This hall, so small at its beginning, increased so much in its revenues, and the number of its members, by the bounty of many subsequent benefactors, that it became equal, if not superior, to some colleges.⁶

⁴ Fuller's Hist. Cam. p. 73.

⁵ Id. p. 82.

⁶ Id. p. 80.

The professors of the several sciences in Cambridge and Oxford anciently read their lectures, either in convents or in private houses, at a distance from one another, hired for that purpose; which was attended with various inconveniences. To remedy this, public schools were built, in both these universities, in the course of this period. Thomas Hokenorton, Abbot of Osney, erected a range of stone buildings, in Oxford, A.D. 1439., which he divided into schools, for the following arts and sciences; metaphysics, natural philosophy, moral philosophy, astronomy, geometry, music, arithmetic, logic, rhetoric, and grammar. These were called the *new schools*, and were used till long after the conclusion of this period⁷. The foundation of the magnificent divinity school and library, in the same university, was laid about A.D. 1427.; but the building was frequently interrupted for want of money. At length, by the liberal donations of several benefactors, particularly of Humphrey Duke of Gloucester, Cardinal John Kemp Archbishop of York, and his nephew Thomas Kemp Bishop of London, the structure was completed, A.D. 1480.⁸ This fabrick was an object of great admiration in those times; and the university speak of it in the most lofty strains, in their letters to their great benefactor the Bishop of London, calling it “A work worthy of God, as much superior “to all the great edifices around it, in magni-

⁷ Ant. Wood. lib. 2. p. 16.

⁸ Id. ibid. p. 21, 22.

"tude and beauty, as divinity, to which it is dedicated, is superior to all the other sciences?" The quadrangle, containing the public schools in Cambridge, at least the west side of it, was founded about the beginning of this period, and the whole was finished about A.D. 1475.¹⁰

No university in Scotland.

The youth of Scotland, in the middle ages, were not destitute of a genius, and a taste for learning; but had not the same means of acquiring it with those of England. Having no university in their own country, such of them as prosecuted their studies, were obliged to travel for their improvement; which was attended with much expence and trouble. This disadvantage was sensibly felt and much regretted; but the distracted state of that unhappy kingdom, involved in almost incessant wars, long prevented any remedy.¹¹

Lectures at St. Andrew's.

At length, A.D. 1410., a few men of letters in St. Andrew's formed themselves into a voluntary society, and generously offered to teach those sciences then usually taught in universities, to all who chose to attend their lectures. Laurence Lindores, a learned theologian, read lectures on the fourth book of the sentences of Peter Lombard; Dr. Richard Cornel, archdeacon of Lothian, Mr. John Litster, canon of St. Andrew's, and Mr. John Chevez, official of St. Andrew's, and Mr. William Stephen, lectured at different hours, on the civil and canon laws, which were the favourite

¹⁰ Ant. Wood, lib. 2. p. 21, 22.

¹¹ Fordun's Scoticron. lib. 15. c. 22. Hect. Boeth. lib. 16. Buchan. lib. 10.

Fuller, p. 79.

studies of the clergy in those times ; Mr. John Gyll, Mr. William Fowles, and Mr. William Croifer, taught logic and philosophy. These lectures commenced at Whitsunday A.D. 1410., and were attended by crowds of students.¹²

Henry Wardlaw, Bishop of St. Andrew's, a magnificent and generous prelate, a great, and probably the chief promoter of this design of erecting an university, encouraged by the success of these previous lectures, granted a charter " to the venerable doctors, masters, bachelors, and students, residing in his city of St. Andrew's and their successors, confirming the university there, which they had so laudably instituted and begun, constituting and declaring it to be an university, for the study of divinity, law, medicine, and the liberal arts, and taking it under his special protection." In this charter the Bishop, for himself and his successors, granted to the members of his university of St. Andrew's, and their successors; all the powers, privileges, and immunities, usually granted to other universities, which are enumerated; and obliged the aldermen, bailiffs, and other officers of his city of St. Andrew's, when they entered on their offices, to take an oath before the rector of the university, not to invade or violate any of these privileges. In the same charter the prior and chapter of St. Andrew's, with the archdeacons of St. Andrew's and Lothian, give their consent to the establishment of the university, and

¹² *Scoticron*, lib. 15. cap. 22.

grant the same privileges to its members, in all their baronies and lands. This charter is dated at St. Andrew's, 27th February A. D. 1411.¹³

Confirmed
by the
Pope.

As no transaction of importance in those times was concluded without the approbation of the Pope, the above-mentioned charter, with petitions for the confirmation of it from the Regent, in the name of the King, from the bishop, prior, and chapter of St. Andrew's, were sent to Pope Benedict XIII., one of the three contending popes, who then resided in Arragon, and was acknowledged by that kingdom, and by Scotland. Benedict granted one bull, confirming the above charter, and all the privileges and immunities therein given to the new university, by the bishop, prior chapter, and archdeacons; and another, granting certain additional privileges, by His Holiness. Both these bulls are dated at Paniscole (a strong place in Arragon, where that pope then kept his little court), September 3. A.D. 1412.¹⁴ When these papal bulls were brought to St. Andrew's February 3. A.D. 1413., by Henry de Ogilby, A.M., they were received with great ceremony, and every possible demonstration of joy.¹⁵

Became
famous.

The university of St. Andrew's soon became conspicuous, and acquired considerable influence in the most important affairs both of church and state. Scotland adhered longer to Benedict XIII. than any other nation; but after that pope was de-

¹³ Ex Archivis Univer. S. Andr.

¹⁵ Scoticton. lib. 15. c. 12.

¹⁴ Id.

posed

posed by the council of Constance, and Martin V. chosen in his place, the council sent the Abbot of Pontiniac, a man of great learning and eloquence, into Scotland, to prevail upon that church and kingdom to withdraw their obedience from Benedict, and acknowledge the pope who had been chosen by the council. The Emperor Sigismond, at the same time, sent letters to the Regent and the three estates, to the same purpose. The Duke of Albany summoned a parliament, and convolution of the clergy, to meet at Perth, 2d October A.D. 1417., to determine this important question. The Regent was friendly to the cause of Benedict; and that pope was not wanting to himself on this occasion. After the Abbot of Pontiniac had laid before the parliament the Emperor's letters, and the request of the council of Constance, and enforced them in a long oration, Dr. John Harding appeared, with letters from Benedict, which he presented, together with a commission to him to plead his cause. The letters contained the most flattering praises of the Scots for their former steadiness, and the most pressing exhortations to persevere in their adherence to him as the only lawful pope; and Dr. Harding pleaded his cause with great ability and zeal, employing arguments which must have made a deep impression on a superstitious high-spirited people, proud and jealous of their independence. But Dr. John Elwood, the rector, and the other famous divines of the university of St. Andrew's, having taken the other side of the question, prevailed upon the parliament,

ment, by the strength of their arguments and the weight of their influence, to withdraw from the obedience of Benedict, and acknowledge Martin V. to be the lawful pope.¹⁶

Favoured
by James I.

James I., that great lover of learning and learned men, rejoiced in the solitude of his prison, at the establishment of an university in his dominions; and after his return home he gave the members of it many marks of his favour and attention. He sometimes honoured their public acts and disputationes with his presence; bestowed ecclesiastical dignities and benefices on the most eminent professors; kept a list of the most promising scholars, in order to prefer them as opportunities offered; and granted them a charter, expressive of the warmest regard, and exempting them from all tolls, taxes, and services, in all parts of the kingdom. This charter is dated, at Perth, 20th March A.D. 1431.¹⁷ We are told by one of our ancient historians, that the new university increased immensely under the patronage of this excellent prince; that it had thirteen doctors of divinity, eight doctors of laws, many other learned men, and a prodigious multitude of students.¹⁸

Not rich.

But though the university of St. Andrew's was thus completely established, much respected, and well frequented, it was but ill accommodated and endowed. The students lived entirely at their

¹⁶ Scoticron. lib. 15. c. 24, 25.

¹⁷ Ex Arch v. &c. H. Boeth. lib. 16. p. 342.

¹⁸ Ibid.

own expence; the regents or teachers had no fixed salaries; and the gratuities they received from their pupils were probably very small; and in this condition this university continued about forty years, owing to the very unhappy and distressful circumstances of the kingdom in those times.

At length that generous and public-spirited prelate, James Kennedy Bishop of St. Andrew's, who succeeded Bishop Wardlaw in that see, A.D. 1444., built a college in that city, for theology and the liberal arts, dedicated to the honour of God, of our Saviour, and the Virgin Mary; and gave it the name of *St. Salvator's College*. Besides defraying all the expence of the fabric, with its furniture, and of the utensils and ornaments of the chapel, he endowed it with competent revenues for a principal, six fellows, and six poor scholars. It is difficult to discover the precise time when this college was built and endowed. The first foundation-charter was confirmed by Pope Nicholas V., who died 25th March, A.D. 1455.; before which time the college must have been founded ²⁹. The second foundation charter, considerably different from the first, is dated at the castle of St. Andrew's, 5th April A.D. 1458., and was confirmed, at Rome, by Pope Pius II., 13th September in the same year. This charter is very long, containing all the statutes of the college, from which only a very brief abstract of the chief or most remarkable articles can be given. By this charter the principal was always

St. Salvator's College.

to be a doctor in divinity, and rector of Quhilt, and was obliged to read a theological lecture once in every week, and to preach to the people four times a-year. The first of the fellows was to be a licentiate in divinity and rector of the parish-church of Kembach, and to read theological lectures thrice a-week, and preach to the people six times a-year. The second of the fellows was to be a bachelor in divinity, rector of Duninach, and to read a theological lecture every lawful day. The rectories annexed to these three offices constituted their endowments. The other four fellows were to be masters of arts, and in priests' orders; and two of them were to be chosen annually, by the principal, the licentiate, and the bachelor, to read lectures in logics, physics, philosophy, or metaphysics, according to the manner prescribed by the general statutes of the university, for which they were to receive small annual stipends. All the members, with necessary servants and attendants, were to be provided with meat, drink, and lodging in the college; and funds were settled for that purpose. Others, who resided in it at their own expense, were to conform to all its regulations. This charter contains a great variety of rules, concerning the succession or election to offices,—the times of vacation and residence,—the performance of divine service in the chapel,—visitation by the rector of the university, the authority of the principal, &c. &c. Though this good bishop is said to have been a great reformer of the manners of the clergy, he doth not seem to have expected

expected or exacted any very extraordinary degrees of purity and strictness from the members of his college, as appears from the following statute:

“ We ordain further, That all the members of the
 “ said college live decently, as becomes ecclesiastics; that they do not keep concubines publicly; that they be not common night-walkers or robbers, or habitually guilty of other notorious crimes; and if any one of them is so (which God forbid), let him be corrected by his superior, and if he proves incorrigible, let him be deprived by the same superior, and another substituted in his place.”²⁰

As the diocese of Glasgow was next to that of St. Andrew's in rank and revenues, the bishops of the one often emulated those of the other. William Turnbull, Bishop of Glasgow, seeing an university established at St. Andrew's, and being a friend to learning, resolved to procure the establishment of another at his episcopal seat. With this view, he prevailed upon King James II., to apply to the Pope for erecting one in that city; representing, that it would be of great use, not only to his own subjects, but also to the people of some neighbouring countries; and that the place was very fit for such a seminary of learning, on account of the salubrity of the air, and of its abounding with all the necessaries of life. In compliance with this application, Pope Nicholas V., moved by the accounts he had received of the pleasantness of the place, the

University
of Glasgow
founded.

²⁰ Ex Archivis Univer. St. Andr.

convenientness of its situation, and the number of learned men residing in it, granted a bull, dated at Rome, 26th December A.D. 1450., establishing an university, or general study in all lawful faculties in the city of Glasgow, with all the powers, honours, and immunities, of his own university of Bononia; and that the degrees and honours conferred by it should be sustained by every other university. By the same bull, the Pope constituted William Bishop of Glasgow, and his successors, perpetual chancellors of this university, with all the powers enjoyed by the chancellors of other universities.¹¹

Commented.

When this bull was brought to Glasgow, a congregation of those who were to be the first members was held in the chapter-house of the Dominican friars; and at that meeting the university was formed. About forty gentlemen, mostly ecclesiastics, were incorporated, or matriculated, and took an oath to keep the secrets, maintain the privileges, and obey the laws, of the university. At their matriculation, each person paid, or engaged to pay, a sum of money, for the support of the institution; but whether that sum was fixed, and a condition of their admission, or was uncertain and voluntary, I have not discovered. The first lecture in this university was read in the chapter-house of the Dominicans, 29th April A.D. 1451., by Dr. David Cadzow, the first rector, on the third book of the sentences, *De*

¹¹ Ex Archivis Univer. Glasowen.

vita et honestate clericorum; and Dr. John Lennox read, the same day in the same place, on the rubric of the civil law²². Dr. Andrew De Garlies, doctor of medicine, was admitted a member four days after this, and was probably the first professor of that science in this university.

In the same year in which the university of College Glasgow was thus established, the college or faculty of arts was also formed. Dr. William Elphington was chosen the first dean of that faculty; and the regents immediately began their lectures in logics, physicks, and philosophy. The college was governed by a principal or chief regent, who was subject to the authority of the rector of the university. Dr. Duncan Bunch was the first principal²³. The ancient records of the college were kept in a book distinct from those of the university.

The university and college of Glasgow being thus completely formed, King James II., by his letters-patent under the great seal, dated at Stirling, 20th April A.D. 1453., took under his special patronage and protection, the rector, dean of faculty, proctors of nations, regents, masters, and scholars, and their successors; and exempted them, together with their beadles, writers, stationers, and parchment-makers, from all taxes, tolls, watchings, wardings, &c. within this kingdom.²⁴

Confirmed
by James
II.

²² Ex Archivis Univer. Glasgown.

²³ Ex Archivis Collegii Glasgown.

²⁴ Ex Archivis Univer. Glasgown.

By Bishop
Turnbull.

William Turnbull, Bishop of Glasgow, who had been the chief promoter of this institution, granted a charter, dated at his city of Glasgow, 1st December A.D. 1453., containing a variety of powers and privileges conferred by him on the rector and university. Particularly he granted to the rector of his university of Glasgow, and his successors, jurisdiction and cognisance in all civil and pecuniary causes of smaller moment within the university; reserving those of greater importance to his own determination as lord of the regality. He also granted to the rector the trial and cognisance of all quarrels and disputes between the members of the university and the inhabitants of the city and regality of Glasgow; reserving to the latter the privilege of appealing from the decisions of the rector to the bishop or his official. All beneficed clergymen within the diocese of Glasgow, who were members of the university, either as regents or students, were by this charter exempted from the obligation of residing in their parishes, but were obliged to keep curates. The Bishop also granted an exemption from all tolls, exactions, and services imposed by the city, to all the members of the university, including the beadle, shield bearers, familiars, servants, writers, stationers, parchment-makers, with their wives, children, and servants; and obliged the magistrates of the city of Glasgow, when they entered on their offices, to take an oath before the chancellor of the diocese, to protect the university in all its privileges. In a word, William Bishop of

of Glasgow granted the same privileges, almost in the same words, to his university of Glasgow, that Henry Bishop of St. Andrew's had before granted to his university of St. Andrew's; and both these prelates used the style of independent sovereigns, prescribing laws and granting privileges to their subjects.²⁵

But though the powers, privileges, and immunities of this new university and college were sufficiently ample, their endowments and revenues were very small. For some time they seem to have had no possessions or fixed revenues, but to have depended entirely on occasional donations, and the fees paid by the students. They could the more easily subsist in this manner, that the rector, the principal regent, the other regents, and even many of the students, were beneficed clergymen or monks. It appears also, from the most ancient matriculation-rolls, that the rest of the students were, for the most part, young noblemen or gentlemen; few persons of inferior rank having either the ambition or ability to give their sons an university-education²⁶. Bishop Turnbull, it is said, intended to have endowed his favourite university, which he considered as his child, with certain rents and tene- ments; but he went to Rome, and died there in the prime of life, only about nine months after he had granted the above charter, without having executed his intention.

²⁵ Ex Archivis Univer. Glasgoven.

²⁶ Ibid.

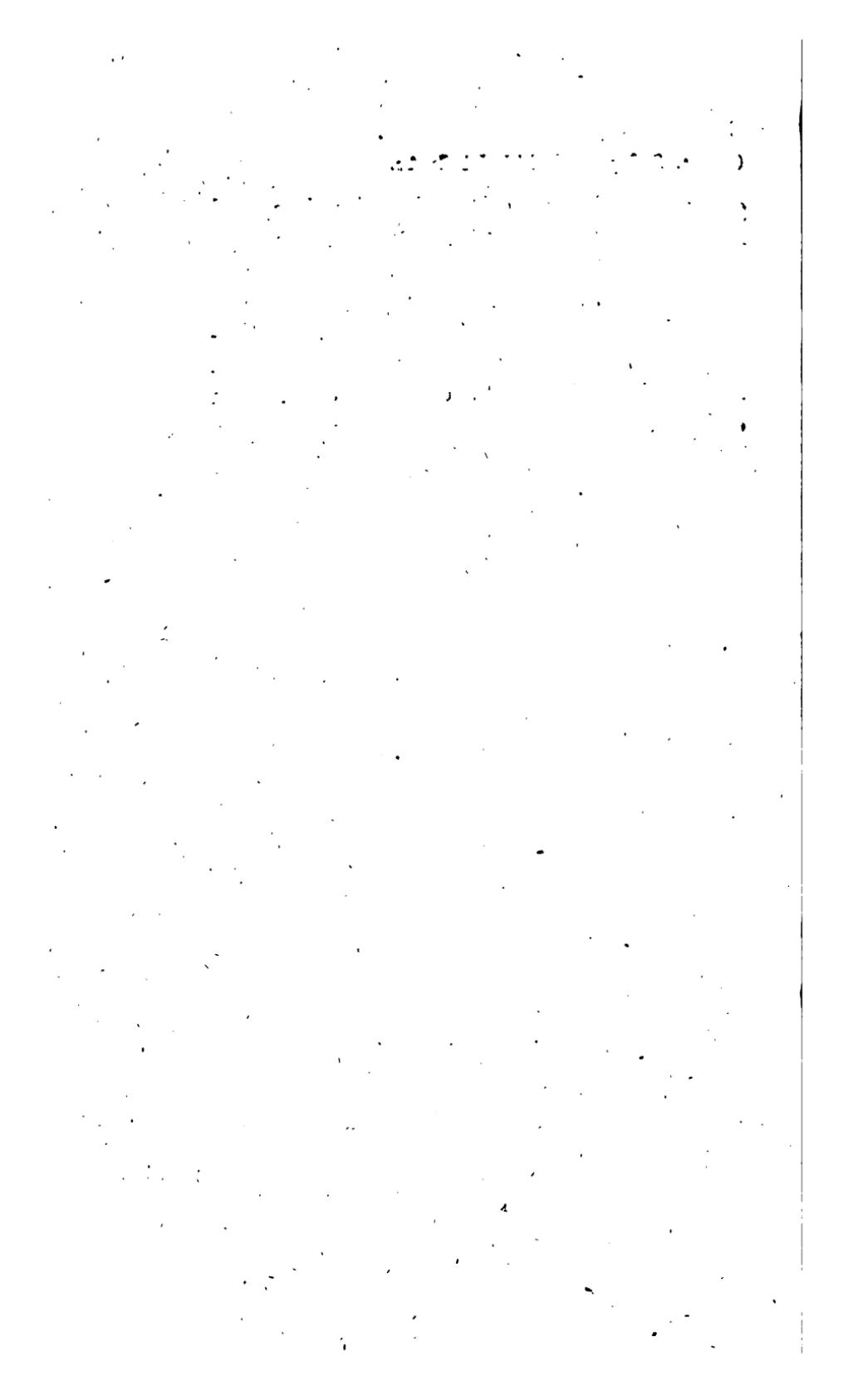
The

Lord Hamilton a great benefactor.

The college of Glasgow received its first valuable benefaction, which gave it a solid foundation and establishment, from the noble family of Hamilton, who seem to have the best title to the honour of being its founders. James Lord Hamilton, and his Lady Euphemia Countess of Douglas, by a deed or charter, dated at Glasgow; 6th of January A.D. 1459., granted to their beloved Duncan Bunch, principal regent, to the other regents, and to the students in the college or faculty of arts, in the university of Glasgow, and their successors, a tenement on the east side of that street in Glasgow which leads from the cathedral to the market cross, for their accommodation with four acres of ground adjacent. The principal regent, with the other regents and students, accordingly took up their residence in that tenement (on the site of which the present college is built), and lived in a collegiate manner. In this charter, the Lord and Lady Hamilton frequently call themselves the founders of the college of Glasgow; and in return for this valuable benefaction, they oblige the members of their college to perform a variety of religious rites for the benefit of the souls of their founders. In particular, they oblige them, every day after dinner and supper, to stand up and pray, for the good state of the universal church, for the King and Queen of Scotland, and of the souls of Lord and Lady Hamilton their founders. Besides this, they oblige all the members of their college who were priests, to say a great number of masses every

every year, for the souls of their founders, and for the souls of all those from whom the Lord Hamilton had taken any thing, and had never made any return²⁷. This was a very common method of compensating injuries in those superstitious times ; and to this many churches and monasteries, as well as colleges, owed their existence.

²⁷ Ex Archivis Univer. Glasgowen.



THE
HISTORY
OF
GREAT BRITAIN.

BOOK V.

CHAP. V.

History of the Arts in Great Britain, from the accession of Henry IV., A.D. 1399., to the accession of Henry VII., A.D. 1485.

THE frequent wars in which the people of Britain were engaged in this period, were as unfriendly to the improvement of the arts as to the advancement of learning. The art of war, indeed, was cultivated with the greatest ardour, and many improvements were made in the science of shedding human blood; while some of the most necessary and useful arts were allowed to languish and decline. But it is proper, and may be both useful and amusing, to take a more attentive view, first of the necessary, and then of the pleasing arts, in this period.

Decline of arts.

SECTION I.

*History of the necessary Arts in Britain from A. D. 1399.
to A. D. 1485.*

Agriculture.

ARICULTURE, the most necessary and useful of all arts, could not flourish or be much improved, when those who cultivated the soil were little better than slaves, and laboured not so much for themselves, as for their haughty masters, who, in general, treated them with little kindness, and less respect.

Diffress of labourers.

These unhappy rustics were not even permitted to pursue their humble toils in peace, but were liable every moment to be called from the plough into the field of battle, by a royal proclamation, or by the mandates of their own arbitrary lords. Such multitudes of this most useful order of men actually fell in battle, or were destroyed by the accidents and fatigues of war, that hands were wanting to carry on the necessary operations of husbandry. This occasioned loud complaints of the scarcity of labourers, and of the high price of labour. Many laws were made to reduce and fix the price of labour, to compel men to become labourers, and to restrain them from following other occupations¹. In one of these statutes it is said, that noblemen and others were greatly distressed for want of labourers and servants

¹ See Statutes, 7th Hen. IV. ch. 17.; 2d Hen. V. ch. 4.; 14th Hen. V. ch. 4.; 2d Hen. VI. ch. 14.; 23d Hen. VI. ch. 12.

in husbandry ; and therefore it was enacted,
 " That whoever had been employed at the
 " plough, or cart, or any other husbandry-work,
 " till he was twelve years of age, should be com-
 " pelled to continue in that employment during
 " life." It was further enacted, " That none
 " who had not lands or rents of the value of
 " twenty shillings a-year (equivalent to ten
 " pounds at present), should be permitted to put
 " any of their sons apprentices to any other trade,
 " but should bring them all up to husbandry."

These hard laws, which infringed so much on natural liberty, were enforced by very severe penalties : a proof that the evil they were intended to remedy was very sensibly felt.

But these and several other laws limiting the price of labour, seem to have had little or no effect. The scarcity of labourers still continued, and with the increasing ravages of war increased, and at last produced a memorable revolution in the state of agriculture, which made a mighty noise for many years. The prelates, barons, and other great proprietors of land, kept extensive tracts of them around their castles, which were called their demesne lands, in their own immediate possession, and cultivated them by their villeins, and by hired servants; under the direction of their bailiffs. But these great landholders having often led their followers into the fields of war, their numbers were gradually diminished, and hired servants could not be procured on

Change in
agricul-
ture.

reasonable terms. This obliged the prelates, lords, and gentlemen, to inclose the lands around their castles, and to convert them into pasture-grounds. This practice of inclosing became very general in England about the middle of this period, and occasioned prodigious clamours from those who mistook the effect of depopulation for its cause. For when we consider, that the importance, honour, and security of the nobles, knights, and gentlemen of those times, depended more upon the number of their followers, than on the greatness of their estates, we cannot suppose it possible that the generality of them, nearly about the same time, would have agreed to expel their faithful followers from their demesne lands, in order to cover them with defenceless flocks and herds, if they had not been compelled to do it by some very general and powerful cause. We learn from the best authority, the testimony of many acts of parliament, that the depopulation of the country, and the difficulty of procuring labourers, was the real cause of this remarkable revolution.

Complaints on
that ac-
count.

John Rouse of Warwick was a most violent disclaimer against the nobility and gentry who inclosed their lands; and a considerable part of his History of England consists of the most bitter invectives against them; calling them depopulators, destroyers of villages, robbers, tyrants, basiliks, enemies to God and man; and assuring them, that they would all go to the devil when they died. This zealous enemy to inclosures tells us, that he

² J. Roffii Hist. Ang. p. 39—44. p. 88—96. p. 114—137.

presented

presented a petition against them to the parliament that met at Coventry A.D. 1459., which was totally disregarded ; and that several petitions to succeeding parliaments had been equally unsuccessful⁴. But though John Rouse was a contemporary writer, no great regard is due to his opinions, as he was evidently a superficial observer, and a weak credulous man. In his declamations against those hated depopulators, he informs, us, that one of that character had actually been seen in hell, by a certain priest who was carried thither on the back of a devil, with whom he was familiar ; that the priest was a little averse at first to trust himself on the back of his infernal friend, till the devil gave him his word of honour that he would bring him back in safety ; which he faithfully performed.⁵

But though this alteration in agriculture was introduced at first by the scarcity of labourers, and the high price of labour, it cannot be denied, that the humour of inclosing arable lands, and converting them into pastures, was at length carried too far ; and early in the succeeding period, we shall find that parliament interposed to stop its progress.⁶

The frequent dearths which happened in this period, is another evidence of the imperfect state of agriculture. In the present age, when grain is double its ordinary price, it is accounted a great dearth, and is very severely felt by the great body

⁴ J. Roffii Hist. Ang. p. 120.

⁵ Id. p. 94.

⁶ Statutes, 4th Hen. VII. ch. 16. 19.

of the people. But in those times grain was frequently triple or quadruple its usual price, which must have produced a grievous famine¹. The most common price of a quarter of wheat in this period seems to have been about 4s. or 4s. 6d. at the rate of 40s. or 45s. of our money at present. But we are informed by a contemporary historian, that in A.D. 1437. and 1438., the price of a quarter of wheat in many places was no less than 1l. 6s. 8d. (equivalent to 13l. 6s. 8d. at present); and the price of all other kinds of grain in the same proportion to their ordinary prices². In this extremity, the common people endeavoured to preserve their wretched lives by drying the roots of herbs, and converting them into a kind of bread.³

Cheapness
of grain.

It must be confessed, that in the course of this period grain of all kinds was sometimes exceedingly cheap. Wheat was sold, A.D. 1455., in some places, at 1s. the quarter⁴. But this was not so much owing to any improvements in husbandry, as to an extraordinary importation of corn from the continent in order to procure a supply of English wool. This excessive importation which threatened the ruin of the English farmers, excited the most violent complaints, and gave occasion to a corn-law, A.D. 1463. By that law it was enacted, that no grain of any kind should be imported, when wheat was below 6s. 8d., rye

¹ See Chronicon Preciosum, p. 98—114.

² Hist. Croyland. p. 518.

³ Stow, p. 398.

⁴ Ibid.

under

under 4s., and barley under 3s. per quarter; which were high prices, and called for a supply from abroad.¹

But the great decrease in the value of land is the strongest proof of the decline of agriculture in this period. There are some examples of land sold at twenty-five years purchase in the reign of Edward III., which, it is probable, was not much above the common price². But there is the fullest evidence that land had fallen in its value to ten years purchase, in the reign of Edward IV. For that prince promised, by proclamation, a reward of 100l. in money, or an estate of 100l. a-year, to any who should apprehend the Duke of Clarence, or the Earl of Warwick³. It is even probable that land was sometimes sold considerably lower. Sir John Fortescue, advising Edward IV. to reward his servants with money, rather than with land, says, "It is supposed, that to sum of them is givyn 100l. worth land yerely; that would have hold him content with 200l. in money, if they might have had it in hand"⁴. So deplorable are the effects of long and frequent wars, especially of intestine wars, in a country not overstocked with inhabitants.

If agriculture declined in England in this period, it declined still more in Scotland, as that unhappy country had suffered more in proportion to

Low value
of Land.

¹ Statutes, 3d Edw. IV. ch. 2.

² Godwin de Presulibus Angl. p. 116.

³ Rym. Fœd. tom. 12. p. 654.

⁴ Fortescue on Absolute and Limited Monarchy, p. 85.

its

its population and wealth, by long and ruinous wars. The low state of its agriculture in this period is evident from the laws that were made for its improvement. By one of these laws, A.D. 1424., it is enacted, “ That ilk man of “ simple estate; that shoulde be of reffoun labourers, “ have oþer half an ox in the pleuh, or else “ delve ilk day vii fute of length, and vii on “ bread.” Another law, A.D. 1457., is thus expreffed : “ Anent the sawing of quheit, peis, “ and beinis, it is sene speidfull, that ilk man “ crend with a pleug of viii oxen, shall saw at the “ leaſt ilk yeir, ane firlot of quheit, half an firlot “ of peis, and forty beins, under the pane of x s. “ to the barrone of that land that he dwells in.— “ And giff the barrone saws not the said corn in “ his domainis, he fall pay to the King x sh.” How different from this is the present state of agriculture in North Britain ?

Garden- ing.

Orchards and gardens were cultivated in this as well as in former periods ; but if any great improvements were now made in that branch of agriculture, by the introduction of new fruits, plants, herbs, or flowers, they have escaped my researches. The following verses of King James I., of Scotland contain a description of the royal garden at Windsor, as it appeared about A.D. 1414.

¹⁵ Black Acts, fol. 7.

¹⁶ Ibid. f. 44.

Now was there maid fast by the Touris wall
 A gardyn faire, and in the corneris set,
 Ane herbere grene, with wandis long and small
 Railit about; and so with treis set
 Was all the place, and hawthorn hegis knet,
 That lyf¹⁷ was non walkyng there forbye
 That myght within scarce any wight aspye.

So thick the beuis and the levis grene,
 Beschadet all the allyes that there were,
 And middis every herbere might be sene
 The scharp grene suete juniper,
 Growing so fair with branchis here and there,
 That as it femyt to a lyf without,
 The bewis spred the herbere all about.¹⁸

That excellent and most accomplished Prince, In Scot-
 James I., who was not a mere scholar, but pos-
 sessed no little skill in many of the useful as

land.

well as elegant arts, laboured with great ardour
 to inspire his subjects with the love, and to
 instruct them in the practice, of these arts,
 and, amongst others, of the art of gardening.

" At his leisure hours (says a contemporary
 historian, who was well acquainted with him),
 " he not only indulged himself in music, in
 " reading and writing, in drawing and paint-
 " ing, but when the circumstances of time and
 " place, and the taste and manners of those
 " about him, made it proper, he would some-
 " times instruct them in the arts of cultivating
 " kitchen and pleasure gardens, and of planting
 " and ingrafting different kinds of fruit-trees¹⁹."

¹⁷ Lyf, living person.

¹⁸ Poetical remains of James I.

¹⁹ Scoticron, lib. 16. c. 30.

That illustrious Prince, Henry V., though, for political reasons, he kept the unfortunate James a prisoner during his whole reign, and would probably never have consented to his enlargement, could not help admiring his virtues and accomplishments, and acknowledging, that the subjects would be happy who were governed by such a prince.²⁰

Cultivat-
ing grafts
unknown.

Though greater attention was paid to the breeding and feeding of sheep and cattle in this than in any former period, the sowing of grafts and the manuring of pastures were quite unknown.

Making
salt.

Salt is at all times an important article, and was of still greater importance in those times, when salted meats were so much used; and yet the art of making it was very imperfectly understood in England. Henry VI. being informed, that a new and better method of making salt had been invented in the Low Countries, he invited John de Sheidame, a gentleman of Zealand, with sixty persons in his company, to come into England, to instruct his subjects in the new method of making salt, promising them protection and encouragement.²¹

Architec-
ture.

It would be improper, on many accounts, to encumber the pages of a general history, with tedious minute details of every trivial transitory change in the necessary or pleasing arts, which had little or no effect on the appearance of the country or the state of its inhabitants. This was never

²⁰ *Scoticron.* lib. 16. c. 30.

²¹ *Rym. Ead.* tom. 8. p. 761.

pro-

promised or intended in this work; in which it is only designed to introduce, in their proper times, such useful inventions and important improvements in the arts, as were productive of real and permanent advantages. It is not necessary, therefore, in this place to give a detailed description of the state of architecture, as that was very nearly the same in this as in the preceding period.

Though great guns were now used both in the attack and defence of places, no alterations were yet made in constructing and fortifying such places. The prodigious thickness and solidity of the walls of the Anglo-Norman castles, made any alteration to appear unnecessary, as they seemed to be sufficiently strong to resist any force with which they could be assaulted. The truth is, that the people of England in this period, were much more employed in beating down than in building. Many large, strong, and magnificent castles were demolished or dismantled during those desolating civil wars between the houses of York and Lancaster, but very few were built. For at the same time that these castles were destroyed, their noble proprietors, who might have rebuilt them, were either killed or ruined. So many of the artificers also employed in building, fell in these and other wars, that they became exceedingly scarce, and the price of their labour very high; and all the laws made to remedy this evil proved ineffectual²². Scotland was in the

²² See Statutes, 4th Hen. IV. c. 14., ad Hen. V. c. 4. an. 4. c. 4., 6th Hen. VI. c. 3. an. 8. c. 8. an. 23. c. 12.

fame situation in this respect. Masons and carpenters were so few, that they undertook more works than they could execute; the trouble and expence of building were so great, that it became necessary to make laws to compel men of fortune to build.²³

Sacred.

The taste for founding and building monasteries and churches did not prevail so much in this as it had done in some preceding periods. This was partly owing to the unhappy state of the country; and partly to the doubts which had been raised in the minds of many persons of all ranks, by Wickliffe and his followers, concerning the merit of those pious but expensive works. It cannot be denied, however, that the style of sacred architecture, commonly called the *Gothic*, continued to be gradually improved, and in the course of this period was brought to the highest perfection. Of this most lofty, bold, and perfect style of Gothic architecture, several specimens remain entire; and as these structures were much admired in the age in which they were erected, they are still beheld with pleasure, not without surprise. Of this kind are—the divinity school at Oxford—the chapel of King's college at Cambridge—the collegiate church of Fotheringay—the chapel of St. George at Windsor, and several other churches in England²⁴. Specimens of this kind are also to be found in Scotland, as the col-

²³ Black Acts, James I. c. 89, 90. 92.

²⁴ Warton's Observations on the Fairy Queen, vol. 2. p. 182, &c.

lege church in Edinburgh—that chapel which is now the vestry to the old church in the same city—the palace-church in Linlithgow—the east church in Stirling, &c. which were all built in this period.

To prevent the necessity of a minute description of the peculiarities of this style of architecture, it may be proper to lay before the reader the plan of King's-college chapel in Cambridge (the most admired edifice of this kind), extracted from the last will of its royal founder, Henry VI., by one of our historians. “ The words of the will are these—“ As touching the dimensions of the church of my said college, of our Lady and St. Nicholas at Cambridge, I have devised and appointed, that the same church shall containe in length 288 foot of affize, without any iles, and all of the wideness of forty foot. And the length of the same church, from the west end, unto the altars at the quire door, shall contain 120 foot, and from the provost's stall unto the steps called Gradus Chori, 90 foot, for 36 stalls on either side of the same quire, answering to 70 fellows, and ten priests conduits, which must be *De prima forma*. And from the said stalls to the east end of the church, 22 foot of affize. Also a rere doffe bearing the roodloft, departing the quire and the body of the church, containing in length 40 foot, and in breadth 14 foot. The walls of the same church to be in height 90 foot, em battled, vaulted, and chere-rooffed, sufficiently butteraced, and every butterace fined with

“ finials.

" finials. And in the east end of the same church
 " shall be a window of nine days, and betwixt
 " every butterace a window of five days. And
 " betwixt every of the same butteraces in the
 " body of the church, on both sides of the same
 " church, a closet, with an altar therein, contain-
 " ing in length 20 foot, and in breadth 10 foot,
 " vaulted and finished under the soyle of the isle
 " windows. And the pavement of the church to
 " be enhanced four foot above the ground with-
 " out; and the pavement of the quire one foot and
 " a half above the pavement of the church."
 This light, lofty, and beautiful structure was founded A.D. 1441., and consecrated A.D. 1443., though it was not finished till some years after; and is still in excellent preservation.

Civil ar-
chitecture.

If many churches and castles were destroyed by the desolating wars of this period, a much greater number of villages and private dwellings were demolished or deserted. John Rouse of Warwick names no fewer than sixty villages, within twelve miles of that city, some of them formerly large and populous, with churches and manor houses, that were destroyed and abandoned²⁵. In such circumstances, no improvements could be made in civil architecture that merit investigation. It is sufficient to observe in general, that the common people were but indifferently lodged; and that the mansions of the great were more magnificent than comfortable.

²⁵ Stow's Annals. p. 380.

²⁶ J. Roffe Hist. Ang. p. 122.

The arts of mining, of refining and working metallic metals, so useful in themselves, and so necessary to all the other arts, were greatly improved in England in the fourteenth century, as appears from that brief delineation of them in the fifth chapter of the fourth book of this work²⁷, to which the reader is referred. We have no reason to think that any of the metallic arts declined, but rather that they were improved and multiplied in our present period. The efforts of ingenious men to discover an universal medicine, and a method of refining the baser metals into gold and silver, were more strenuous and more encouraged in this than in any preceding period; and though these efforts did not succeed to their wish, they improved their knowledge of the nature of metals, and of the arts of working them. Those wars which were hurtful to other arts and artists, were favourable to those employed in fabricating defensive armour and offensive arms, with which every man, both in England and Scotland, was obliged by law to be furnished.

Though tin and lead had long been staple commodities of England, and valuable articles of export, the English miners were not believed to be so skilful in their profession as those of Germany. Henry VI., therefore, having failed in all his attempts to procure the precious metals by alchymy, brought over, A.D. 1452., Michael Goffeleyne, George Hartryke, Matthew Laweston, three famous miners, with thirty other miners,

²⁷ See the eighth volume.

from Bohemia, Austria, and Hungary, to superintend and work the royal mines, and instruct his subjects in their art²⁰. Of the success of this project we have no account.

Gilding.

As gold and silver were very scarce in England in this period, the art of gilding a great variety of goods made of baser metals, to give them the appearance of plate, was much practised; and some of these gilders had so much art, and so little honesty, as to sell their gilded wares at the price of real plate. To punish such as should be guilty of this gross imposition, and also to prevent the use, or rather the waste, of too much gold and silver in gilding, it was enacted by parliament, A. D. 1403., " That no artificer, nor other man, whatsoever he be, from henceforth shall gilt nor silver any locks, rings, beads, candlesticks, harness of girdles, chalices, hilts nor pomels of swords, powder boxes, nor covers for cups, made of copper or latten, upon pain to forfeit to the king c.s. at every time that he shall be found guilty, and to make satisfaction to the party grieved for his damages; but that (chalices excepted) the said artificers may work, or cause to be wrought, ornaments for the church of copper and latten, and the same gilt or silver; so that always in the foot, or in some other part of every such ornament so to be made, the copper, and the latten shall be plain, to the intent that a man may see whereof the thing is

²⁰ Rym. Fed. tom. II. p. 317.

" made,

" made, for to eschew the deceit aforesaid "²⁹. By a subsequent law, gilders were still further limited; and embroiderers, having been guilty of similar frauds, were subjected to similar penalties.³⁰

It hath been justly observed, that as arts are improved, labour is gradually more and more divided; and that this division of labour contributes to their further improvement³¹. The manufacturers of metals in England were now divided into many branches, and many articles of hardware were manufactured by them, that had formerly been imported. In consequence of petitions to the last parliament of this period, from the pinners, cutlers, blade-smiths, blacksmiths, spurriers, gold-beaters, founders, card-makers, wiremongers, coppersmiths, of London and other cities, towns, boroughs, and villages, an act was made, prohibiting the importation of all the following articles:—Harness for girdles, pins, knives, hangers, tailors-shears, syfors, andirons, tongs, fire-forks, gridirons, stock-locks, keys, hinges, and garnets, spurs, beaten gold or beaten silver wrought in papers for painters, horse-harness, bits, stirrups, buckles, chains, latten nails with iron shanks, turnels, standing candlesticks, hanging candlesticks, holy-water stops, chaffing-dishes, hanging lavers, curtain-rings, cards for wool (except Roan cards), clasps for gowns, buckles for shoes, broaches, bells (except hawk-

Division of
labour.

²⁹ Statutes, 5th Hen. IV. ch. 13.

³⁰ Ibid. 8th Hen. V. ch. 3.; 2d Hen. VI. ch. 9.

³¹ See Dr. Smith's excellent work on the Wealth of Nations, vol. I. (bells),

bells), tin and leaden spoons, wire of latten and iron, iron candlesticks, grates, or any other articles manufactured by the petitioners³². This is a sufficient proof, to which others might be added, that the metallic arts were improved, multiplied, and diffused, in the course of this period; though they were still but in their infancy, in comparison to the magnitude, multiplicity, and perfection, at which they have since arrived.

*Clothing
arts.*

The great importance of the cloathing arts, particularly of the woollen manufacture, was now so well understood in England, that the calamities and confusions of war only retarded, but could not prevent, the progress and improvement of those arts, and of that manufacture. The English had at length discovered and regarded these two obvious truths:—That it was better to manufacture their own cloathing of their own wool at home, than to pay foreigners abroad for doing it;—and that wool made into cloth was a more valuable article of export, than in the fleece. Kings and parliaments, in the preceding period, endeavoured to induce and compel the people to act upon these maxims, by making severe laws against the exportation of wool and the importation of cloth³³. By the operation of these laws, and other concurring causes, the number and skill of the people employed in the woollen manufacture gradually increased; and at the beginning of this period, that

³² Statutes, 1st Richard III. ch. 12.

³³ See vol. 8. book 4. ch. 5. § 1.

most valuable manufacture, which hath contributed so much to the prosperity and wealth of England, was widely diffused and firmly established.³⁴

Though the kings, lords, and commons of England, in this period, were too much engaged in war, they did not neglect an object of so great importance as the woollen manufacture. On the contrary, no fewer than twelve acts of parliament were made in the short and turbulent reign of Henry IV. for the regulation and encouragement of that manufacture; for preventing the exportation of wool and importation of cloth; and for guarding against frauds in the fabrication of it at home³⁵. Henry V. was too much engaged in projects of ambition and conquests to pay proper attention to manufactures; but in the succeeding reigns, a great number of statutes were made for the improvement of the clothing arts³⁶. From these statutes, which afford the best historical evidence, it plainly appears, that the woollen manufacture had now spread from one end of England to the other, and produced, not only sufficient quantities of cloths of various kind for home-consumpt, but also great quantities for exportation.

The arts of spinning, throwing, and weaving silk, were brought into England in this period, and practised by a company of women in London, called *silk-women*. Upon a petition of this female company to parliament, A.D. 1455., representing,

³⁴ Anderson's Hist. Com. vol. i. p. 229.

³⁵ See Statutes temp. Hen. IV.

³⁶ See Statutes temp. Hen. VI., Edw. IV., Rich. III.

that

Laws for
their en-
courag-
ement.

that the Lombards and other Italians imported such quantities of silk thread, ribbons, corfes, &c. that they were in danger of being reduced to great poverty, an act was made for prohibiting the importation of any of the articles manufactured by these silk-women³⁷. These articles consisted only of laces, ribbons, and such narrow fabricks, in no great quantities. From such small beginnings did the present great silk manufacture of England derive its origin. Towards the end of this period, about A. D. 1480., men began to engage in the silk manufacture, which, before that time, had been wholly performed by women.³⁸

Art of war.

As the destructive art of war was much studied and practised, it was also much improved, in this period; and various changes were introduced in the manner of raising, forming, and paying armies, in their arms, operations, discipline, &c. The most important of these improvements and changes shall be described in as few words as possible.

Raising armies.

The feudal military services were always performed with reluctance, gradually decreased in efficacy, and at this time were not to be depended upon for raising an army, especially for a foreign expedition. When such an expedition, therefore, was intended, our kings raised the best part of their armies, by entering into indentures with their own dukes, earls, barons, and knights, and with foreign chieftains; who engaged to serve them, on

³⁷ Statutes, 33d Hen. VI. ch. 5.

³⁸ 2nd Edw. IV. ch. 3.

a certain

a certain expedition (described in the indenture), for a certain time, with a stipulated number of men at arms and archers, at a fixed price. These indentures contained several other covenants and regulations respecting the service which makes it proper to lay the substance of one of them before the reader. By an indenture between Henry V. and Henry Lord Scroope, it is stipulated, That the said Lord Scroope shall attend and serve the King, one year, in an expedition into France, with thirty men at arms, and ninety archers on horseback; himself to be one of the men at arms; the rest to consist of three knights and twenty-six esquires:— That Lord Scroope shall receive for his own daily pay, 4s.; for each of the knights, 2s.; for each of the esquires, 1s.; and for each of the archers, 6d.; — That, besides this pay, the Lord Scroope shall receive the usual *regard* (or *douceur*), at the rate of 100 marks per quarter, for thirty men at arms; — That all prisoners taken by Lord Scroope and his troops, in the said expedition, shall belong to him, except kings, kings sons, generals, and chieftains, who shall be delivered to the King, on his paying a reasonable ransom to the captors. The other articles relate to the securities and terms of payment, the time and manner of musters, &c. and are not very material. This indenture was made 29th April A.D. 1415., when Henry V., was preparing for his first expedition into France; about which time many others of the same kind were concluded.³⁹

³⁹ Rym. Fed. tom. 9. p. 230.

Continued. The chieftains, who contracted with the King to serve him with a certain number of troops, made similar contracts with small bodies of men at arms and archers to make up that number. Thus, for example, Thomas Earl of Salisbury engaged, by an indenture dated June 1., A. D. 1415, William Bydyk, Esq. a man at arms, to serve under him with ten archers, for one year, in the intended expedition into France, at the daily pay of 1s. for himself, and 6d. for each of his archers. From this contract it appears, that the *regard* (as it was called), at the rate of 100 marks per quarter for every thirty men at arms, belonged wholly to the chieftain, to enable him to keep a table for his men at arms; and that he had also a right to the third part of all the plunder, and of the ransom of all the prisoners taken by those under his command[“]. These military contracts were very beneficial to the great barons of those times, which made them fond of war, especially of foreign expeditions, by which many of them were greatly enriched in the victorious reign of Henry V.; though their country was almost ruined by their pernicious victories.

*Pay of
soldiers.*

We cannot but observe, that the pay of soldiers of all ranks, in an army raised in this manner, was very high. The daily pay of a duke was one mark, equivalent to about 7l. of our money; of an earl, 6s. 8d. equivalent to 3l. 10s.; of a baron, 4s. equivalent to 2l.; of a knight, 2s. equivalent

[“] Rym. Ed. tom. 9. p. 258.

to 1l. ; of an esquire or man at arms, 1s. equivalent to 10s. ; of an archer, 6d. equivalent to 5s.⁴¹ The pretences for this high pay were these,—the shortness of the service, and the great expences they were at in furnishing themselves with horses, armour, arms, clothing, victuals, servants, and every thing, except shipping and artillery. But however just these pretences might be, the expence of an army of this kind soon exhausted all the revenues of the crown, and almost all the resources of the country. Henry V. had not only expended all the treasure he had been amassing for two years by borrowing, and every other art, but was obliged to pawn his crown, and his most valuable jewels, before he embarked on his first expedition against France ⁴². When will posterity profit by the errors of their ancestors ?

When an invasion or rebellion was apprehended, ^{Different} and a great army to be raised in a short time, to ^{method.} repel the one, or suppress the other, a different and less expensive method was pursued. The King summoned all the military tenants of the crown to attend him in arms ; sent letters to the archbishops, bishops, deans, archdeacons, abbots, and priors, to arm and array all their clergy, to defend the church and kingdom against the enemies of God and the King ; and issued proclamations to the sheriffs of the several counties commanding them to array all the able-bodied men in their counties, between the age of sixteen,

⁴¹ Rym. Fed. tom. 9. p. 227.

⁴² Id. ibid. p. 257. 284, 285.

and

and fifty; at the same time granting commissions to certain knights and gentlemen in each county, to divide the men, when raised, into regiments of 1000, and companies of 100, and parties of 20, to train and conduct them to the place of rendezvous⁴³. By these means very great armies were raised in a few weeks, at a very small expence. On pressing occasions, the great barons made voluntary offers to serve the King with a certain number of knights, men at arms, and archers, without pay or reward; and some of them to fit out ships, at their own expence, for the protection of the coasts.⁴⁴

Discipline. Armies that were so suddenly raised, and, after a short service, as suddenly dismissed, could not be well disciplined. Henry V. seems to have been the first of our kings who was sensible of the importance of regular movements and united efforts; and was at much pains to teach his troops to march in straight lines, at proper distances, with a steady measured pace, to advance, attack, halt, and even fall back, at the word of command, without breaking their ranks. This discipline, imperfect as it was, gave him great advantages over the French, who in those times were almost as tumultuary in advancing to an attack, as in flying from a defeat. To this superior discipline of his troops that prince was indebted for his success in general, and particularly for his great victory at Agincourt; as ap-

⁴³ Rym. Fed. tom. 8. p. 123. 138. 146. 270.; tom. 9. p. 216. 253. &c.

⁴⁴ Id. tom. 8. p. 126.

pears from the account given of that famous battle, and from the contemporary historians, from whom that account is taken.⁴³

Though the men at arms, covered with polished armour from head to foot, and mounted on great horses, were the most splendid and most expensive, they were not the most useful troops. The archers formed the chief strength of the English armies, and were the great instruments of all their victories in this period. The archers sometimes gained great victories without the least assistance from the men at arms; as, particularly, the decisive victory over the Scots at Hamildon, A.D. 1402. In that bloody battle the men at arms did not strike a stroke, but were mere spectators of the valour and victory of the archers⁴⁴. The Earl of Douglas, who commanded the Scotch army in that action, enraged to see his men falling thick around him by showers of arrows, and trusting to the goodness of his armour (which had been three years in making), accompanied by about eighty lords, knights, and gentlemen, in complete armour, rushed forward, and attacked the English archers, sword in hand. But he soon had reason to repent his rashness. The English arrows were so sharp and strong, and discharged with so much force, that no armour could repel them. The Earl of Douglas, after receiving five wounds, was made prisoner; and all his brave companions were

⁴³ See chap. I. p. 51.

⁴⁴ Otterbourne, p. 236. Walsing. p. 366.

either killed or taken⁴⁷. Philip de Comines acknowledges, what our own writers assert, that the English archers excelled those of every other nation; and Sir John Fortescue says again and again, — “that the might of the realme of England standyth upon archers⁴⁸.” The superior dexterity of their archers gave the English a great advantage over their capital enemies, the French and Scots. The French depended chiefly on their men at arms, and the Scots on their pike-men; but the ranks of both were often thinned and thrown into disorder by flights of arrows before they could reach their enemies.

In Scotland.

James I., who had seen and admired the dexterity of the English archers, and who was himself an excellent archer, endeavoured to revive the exercise of archery among his own subjects, by whom it had been too much neglected⁴⁹. With this view, he ridiculed their awkward manner of handling their bows, in his humorous poem of Christ’s Kirk on the Green; and procured the following law to be made in his first parliament, A. D. 1424., immediately after his return to Scotland: “That all men busk thame to be archares fra the be 12 years of age, and that at ilk ten pounds worth of land thair be made bow markes, and speciallie near parochie kirks, quhairn upon halie dayis men may cum, and at the leist schute thryse about, and have

⁴⁷ Walsing. p. 366.

⁴⁸ Fortescue on the difference between an absolute and limited monarchy, p. 88. 90. Philip de Comines, t. i. p. 27.

⁴⁹ Scoticron. lib. 16. c. 28.

“ usage

" usage of archarie; and quhaſa uſis not archarie,
 " the laird of the land fall rais of him a wedder;
 " and giff the laird raifis not the ſaid pane, the
 " king's ſhiref or his miſtiers fall rais it to the
 " king."⁵⁰ But the untimely death of that
 excellent prince prevented the effectual execu-
 tion of this law.

It hath been already obſerved, that the changes introduced into the art of war by the invention of gunpowder were very flow⁵¹. The martial adventurers of thoſe times were not fond of changing the arms to which they had been accuſtomed; and it was difficult to find instruments to manage and direct an agent ſo impetuous as gunpowder. The instruments employed for that purpose, for almost two centuries, were called by the general name of *cannon*, though they were of many diſferent kinds, ſhapes, and ſizes, diſtinguished from each other by particular names, as culverines, ſerpertines, bafilisks, fowlers, ſcorpions, &c.⁵² All theſe ancient caſton were made of iron only, without any mixture, till towards the end of this period, when a mixed and harder metal was invented, called *fōnt-metal* or *bronze*.⁵³

The cannon of this period were of very diſferent ſizes, ſome of them exceedingly large, and others very ſmall. We read of ſome cannon that diſcharged balls of 500 pounds weight, and required fifty horſes to draw them, and of others not much heaviest than a muſket; and between

⁵⁰ Black Acts, fol. 4.

⁵¹ See vol. 8. ch. 5. § 1.

⁵² Rym. Fad. tom. 12. p. 140. Daniel, Milice Françoise, tom. I. p. 222.

⁵³ Id. ibid. p. 325.

these two extremes there were many gradations. Monstrelet mentions a cannon cast by John Maugué, a famous founder, A.D. 1478., that threw a ball of 500 lb. from the Baftile to Charenton ; and Philip de Comines acquaints us, that there were 10,000 men armed with culverines in the Swiss army at the famous battle of Morat, A.D. 1470.⁵⁴ These small culverines, or hand-cannon, as they were sometimes called, were carried some of them by one man, and some of them by two men, and fired from a rest. They seem to have been first brought into Britain by the Flemings, who accompanied Edward IV. in his return to England, A.D. 1471.; for these troops, in number 300, were armed, it is said, with hand-guns.⁵⁵

Carts of
war.

The Scots had a kind of artillery peculiar to themselves in this period, called *carts of war*. They are thus described in an act of parliament, A.D. 1456.: “ It is thocht speidfull, that the king mak requeist to certain of the great bur-
“ rous of the land that are of ony myght, to
“ mak carts of weir, and in ilk cart twa gunnis,
“ and ilk ane to have twa chalmers, with the re-
“ manent of the graith that effeirs thereto, and
“ an cunnand man to shute thame.” By another act, A.D. 1471., the prelates and barons are commanded to provide such carts of war against their old enemies the English.⁵⁶

⁵⁴ Monstrelet Contin. p. 69. Comines, lib. 5. c. 3.

⁵⁵ Leland's Collectanea, vol. 2. p. 503.

⁵⁶ Black Acts, James II. act 52. James III. act 55..

Many

Many of the cannon-balls used in this period were made of stone. Henry V. gave a commission, A.D. 1419., to John Louth, clerk of the ordnance, and John Bennet, mason in Maidstone, to press a sufficient number of masons to make 7,000 cannon-balls, in the quarries of Maidstone-heath⁵⁷. Even towards the end of this period, some of the cannon-balls were made of stone, and others of metal. Edward IV. gave a commission to one William Temple, A.D. 1481., to press masons, smiths, and plumbers, to make cannon-balls, some of stone, some of iron, and some of lead⁵⁸. It is a curious and well attested fact, that the art of discharging red-hot balls from cannon was known and practised early in this period. When an English army, commanded by the Duke of Gloucester, besieged Cherbourg, A.D. 1418., the besieged (as we are told by a contemporary writer of the best credit) discharged red-hot balls of iron from their cannon into the English camp, to burn the huts in which the soldiers were lodged.⁵⁹

The cannon that were used in ships of war in this period were few in number, and of a small size. This appears from the following authentic account of the furniture of the ship called the Queen's-hall, in which Henry IV. sent his daughter Philippa, Queen of Sweden, Denmark, and Norway, to her husband. Henry Somer, keeper of the private wardrobe in the Tower, delivered to William Lovency, treasurer to Queen Philippa,

⁵⁷ Rym. Fed. tom. 9. p. 542.

⁵⁸ Id. tom. 12. p. 140.

⁵⁹ Thomas de Elmham, Vita Hen. V. p. 155.

for the armament of her ship — 2 guns — 40 pounds of powder for these guns — 40 stone balls — 40 tompons — 1 mallet — 2 firepans — 40 pavises — 24 bows — and 40 sheffs of arrows ⁶⁰. From the above account, it is probable that each of these guns required only one pound of powder for a charge. But when ships were fitted out for a warlike expedition, they were a little better armed.

Field artillery.

Gunpowder and cannon were not much used in fields of battle for a considerable time after they were invented. Though they were sometimes used before, Edward IV. was the first King of England who depended much on his field-pieces, or derived any great advantage from them. In the battle of Stamford, fought by that prince against a numerous army of his rebellious subjects, commanded by Sir Robert Wells, “the King (we are informed by a contemporary historian) spakeled his enemies with his ordinance, flew many of the commons, and thereby gained the victory”⁶¹. The train of field-artillery prepared by Edward, A.D. 1481., to repel a formidable invasion threatened by the Scots, must have been considerable, since it required a great number of oxen and horses to draw it, and consisted of six or seven different kinds of cannon.⁶²

Art of attacking forts.

No part of the military art was more studied, or better understood, by the English in this period,

⁶⁰ Rym. Fœd. tom. 3. p. 447.

⁶¹ Leland's Collectanea, vol. 2. p. 502.

⁶² Rym. Fœd. tom. 12. p. 140.

especially in the reign of Henry V., than that of attacking strong places. That heroic prince had no opportunity of fighting many battles; but he besieged and took many cities, towns, and castles, that were strongly fortified, bravely defended, and believed to be impregnable. These sieges are described at considerable length by two contemporary historians; from whose writings the following very brief account of the modes of the attack and defence of places in this period is collected.⁶³

When Henry V. had invested a city or town where he expected a vigorous resistance, and apprehended an attempt to raise the siege, he secured his army from the besieged by lines of contravallation, and from the enemy without, by lines of circumvallation, strengthened by pallisadoes, and small towers of wood at proper distances. In summer he lodged his men in tents, and in winter in huts disposed in regular streets. Approaches were made by trenches; batteries were constructed, and planted with machines for throwing great stones, and with battering cannon to make breaches in the walls. Under the protection of the artillery, the ditch was filled up with branches of trees, earth, and stones. In the mean time, the miners were employed in making approaches under-ground; and these being sometimes met by counterminers, bloody skirmishes were fought between the besiegers and besieged. In these skirmishes in the mines, Henry himself

Continued.

⁶³ See Montrelet, tom. 1. Thomas de Elmham, *paffm.*

frequently engaged. The besiegers and besieged annoyed each other by flights of quarrels from their cross-bows, and by large bodies of combustible materials set on fire and discharged from engines. By these means Henry took every city, town, and castle in France that he besieged, either in person or by his generals, though some of them were defended, with great bravery, to the last extremity.

Art of
printing.

An art was invented on the continent, and introduced into this island, in this period, which, though it cannot be called necessary, is certainly most excellent and useful. This was the art of printing; which hath contributed so much to dispel that darkness in which the world was involved, and diffuse the light of religion, learning, and knowledge of all kinds. But though printing hath thrown much light on every other subject, its own origin remains in some obscurity; and there have been many disputes about the time when, the place where, and person by whom, it was invented. Without entering into these disputes (in which Britain is not concerned), it may be sufficient to say, that, upon the whole, it seems most probable, that Laurentius Coster, keeper of the cathedral of Haerlem conceived the first idea of printing about A.D. 1430.; and between that time and A.D. 1440., when he died, printed several small books in that city, with wooden types tied together with threads. As this art was likely to be very profitable, Laurentius kept the secret with great care, and wished to transmit it to his family. But this de-

sign

sign did not succeed: For about the time of his death, John Geinsfleisch, one of his workmen, made his escape from Haerlem, carrying with him, it is said, some of his master's types, and retired to Mentz, and there began to print with wooden types, A.D. 1441., being encouraged and supplied with money by John Fust, a wealthy citizen. About two years after he settled at Mentz, John Geinsfleisch, or his assistant John Gutenberg, invented metal-types, and set them in frames; which was so great an improvement, that the city of Mentz claimed the honour of being the place where printing was invented⁶⁴. From Haerlem and Mentz, this noble art was gradually conveyed to other cities of Germany, Italy, France, England and other countries.

All our historians and other writers, who flourished in or near those times, and mention the introduction of printing into England, unanimously, and without hesitation, ascribe that honour to Mr. William Caxton, mercer and citizen of London⁶⁵. Attempts have since been made to deprive him of that honour, in favour of one Corsellis, who, it is pretended, printed here some years before him. But the story of Corsellis is in many particulars improbable; and there seems still to be good reason to believe that Mr. Caxton was really the first printer of England⁶⁶. This modest, worthy, and industrious man hath been already noticed as an historian; he was also the

⁶⁴ See Meerman, Mattaire, Marchand, Palmer, Ames, &c. on the history of printing.

⁶⁵ See Dr. Middleton's works, 4to., vol. 3. p. 245.

⁶⁶ Id. ibid.

translator

translator of many books out of French into English ; but he merited most of his country by introducing the art of printing. After he had served his apprenticeship to an eminent mercer in London, he went into the Low Countries, A.D. 1442., as agent to the Mercers' Company, and resided abroad about thirty years. He was appointed by Edward IV., A.D. 1464., his ambassador to negotiate a treaty of commerce with Philip Duke of Burgundy, one of the greatest princes in Europe ; and when the Lady Margaret, King Edward's sister, was married to Charles Duke of Burgundy, A.D. 1468., he was greatly favoured and much employed by that active princess⁶⁷. Though Mr. Caxton was now about fifty-six years of age, being a man of great curiosity and indefatigable industry, he acquired, " at grete charge and dispense" (as he says himself), so complete a knowledge of the new and admired art of printing, that he actually printed, A.D. 1471., at Cologne, a book which he had translated out of French into English, called *The Recule of the Histories of Troye*⁶⁸. Having presented a copy of this book to his patroness, the Duchess of Burgundy, for which he was well rewarded, and disposed of as many copies as he could on the continent, he came over to England, A.D. 1472., bringing with him the remaining copies as specimens of his skill in the art⁶⁹. Encouraged by Tho-

⁶⁷ Rym. Fœd. tom. 11. p. 591.

⁶⁸ Middleton, p. 249.

⁶⁹ Ames, p. 2—5.

mas Milling, Abbot of Westminster, and others, he set up a printing press, A.D. 1473., most probably in the almonry of Westminster-abbey, where it is certain he wrought a few years after; and from that press he produced, in March A.D. 1474., a small book translated by himself out of French, called *The Game at Chess*, which is the first book we know with certainty was printed in England⁷⁰. From this time to his death, A.D. 1491., he applied with so much ardour to translating and printing, that though he was an old man, he published about fifty books, some of them large volumes, and many of them translated by himself⁷¹. How productive is incessant labour, and how worthy are such men as Caxton of a place in the history of their country!

Though Mr. Caxton was the first, he was not ~~Printers.~~
the only printer in England in this period. Theodore Rood, John Lettow, William Machelina, and Wynkyn de Worde, foreigners, and Thomas Hunt, an Englishman, printed in London both before and after the death of Mr. Caxton; by whom, it is probable, the foreigners were brought into England, and employed as his assistants.⁷² A schoolmaster of St. Alban's, whose name is not preserved, set up a press at that place; and several books were printed at Oxford between A.D. 1478. and 1485.⁷³ In the colophon of one of the books

⁷⁰ Middleton, p. 249. Ames, p. 5.

⁷¹ Id. ibid. See Biographia Britannica, in Caxton.

⁷² Ames, p. 76—110. Middleton, p. 240.

⁷³ Id. p. 239. 243.

printed there in the last of these years are the following verses :

Celatos, Veneti, nobis transmittere libros
Cedite, nos aliis vendimus, O Veneti !

which seem to indicate, that the English printers were not only able to answer the demand for books at home, but even exported some of their works.⁷⁴

In Scot-
land.

No book hath yet been discovered printed in Scotland in this period. But it is highly probable that the first productions of the Scottish press perished in the almost total destruction of the cathedral and monastic libraries at the Reformation. The Scots had great intercourse with the Low Countries, where that art was much practised. James III. was exceedingly fond of the arts, and of artists, and no less fond of books; and therefore could not but wish to introduce this admired art into his dominions. I have now before me a large, beautiful, and splendid book, which belonged to that prince, as appears from the following inscription, in the hand-writing of those times, on the blank leaf fronting the titlepage:— *Iste liber pertinet Excellentissimo et invictissimo Principi Jacobo Tertio, De gratia, Scotorum Regi Illustrissimo.* A little below is the king's subscription, *Jacobus Tertius R.* in a very strong and beautiful hand. It is a voluminous system of scholastic moral philo-

⁷⁴ Middleton, p. 240.

sophy,

sophy, called *Speculum Moralitatis* (the Mirror of Morality), composed by the famous Dr. Vincentius, consisting of 278 leaves in large folio, of very thick and white paper, without signatures, catchwords, pages, or folios, beautifully printed in two columns, and in some places finely illuminated. At the end is this colophon: *Vincentii Speculi Moralitatis liber secundus, in quo de quatuor novissimis differitur, finit feliciter * * *,* without printer's name, place, or date. But from the form of the letter, the great number of abbreviations, the want of signatures, catchwords, and folios, and some other marks, it appears to have been printed about A.D. 1470., most probably at Venice. This is indeed no proof that printing was introduced into Scotland in this period; but it is a proof that James III. was at the pains and expence of procuring the most splendid and voluminous productions of the press from foreign countries.

SECTION II.

History of the fine and pleasing Arts of Sculpture, Painting, Poetry, and Music, in Britain, from A.D. 1400. to A.D. 1485.

IF the frequent wars in which the people of Britain were engaged in this period were unfriendly to the necessary, they could not be favourable to the fine and pleasing arts; and if any of these flourished, it must have been owing to some

accidental circumstances. For the muses and the graces naturally fly from scenes of tumult and devastation, and delight in the calm and security of national prosperity and peace. A very brief account, therefore, of these arts, in this place, will be sufficient.

Sculpture. We have good reason to believe, that sculptors and statuaries were more employed, and better rewarded for their works, in this than in any former period, which must have contributed to the improvement of their art. The followers of Wickliffe condemned the worship of images in the strongest terms; and several of them submitted to suffer the most painful death, rather than to acknowledge the lawfulness of that worship¹. This alarmed the clergy, and made them redouble their efforts to inspire the minds of the people with a superstitious veneration for images. With this view, they not only propagated many stories of miracles wrought by images, but they increased the number of them, and grudged no expence to procure such as, by the excellence of their workmanship, the beauty of their appearance, and the richness of their dress, were likely to excite the admiration, and inflame the devotion, of the multitude towards them². These efforts were not unsuccessful. There was no time in which the worship of images more prevailed than in the age immediately before the Reformation; nor was there any thing which the people of England then relinquished with greater reluctance, than the

¹ Fox, p. 476, 477.

² Id. p. 489, &c.

images

images in their churches. These, however, were at length completely removed and destroyed; which puts it out of our power to judge by inspection of the degree of excellence to which sculpture had arrived in this period. A few statues still remain in niches, on the outside of some of our cathedrals, particularly on the west end of the cathedral of Wells; and though these outside statues were probably not the works of the best artists, they afford no unfavourable specimen of this art in those times.³

The taste of adorning sepulchral monuments with statues, and figures in basso and alto reliefo, prevailed as much, both in Britain and on the continent, in this as in any period; and this taste procured much employment to the sculptor and statuary. Many of these monuments, with their statues, were defaced or ruined with the conventional churches in which they were placed; but those on the monuments in other churches escaped much better than the images which had been objects of adoration; and great numbers of them are still remaining⁴. If we had proper drawings and descriptions of these monuments, with their statues and other ornaments, they would not appear inferior to those of France, of which very elegant drawings and descriptions have been published⁵. For we know with certainty, that English artists were employed in erecting monuments for some of the great

³ Brown Willes Metr. Abb. vol. 2. p. 275. Warton on Spencer, vol. 2. p. 197.

⁴ Strutt, vol. 3. p. 184.

⁵ See Montfaucon Monuments François, tom. 3.

princes on the continent. Thomas Colyn, Thomas Holewell, and Thomas Poppehowe, made the alabaster tomb of John IV. Duke of Britanny, in London, carried it over, and erected it in the cathedral of Nantes, A.D. 1408.⁶ We know also, that the great English barons of those times expended much money on their monuments, and employed, in executing them, the best artists that could be found⁷. A few of these artists were foreigners; but the greatest number of them were natives of England. Of the five artists who were employed, in erecting the monument of Richard Beauchamp Earl of Warwick (who died A.D. 1439.), and adorning it with images, four were Englishmen, viz. two marblers, one founder, and one coppersmith; the other artist was a Dutch goldsmith. The number of images adorning this monument was thirty-two, besides the great image of the Earl. These were all cast of the finest latter, by William Austin, founder, of London, and gilded with gold by Bartholomew Lambespring, the Dutch goldsmith⁸. Though the beauty of this monument, and its various ornaments, is much impaired by time, yet some parts of it are in such preservation, as to give us a favourable idea of the skill of these artists, and of the improving state of their several arts. This monument, with the chapel of our Lady in St. Mary's church, War-

⁶ Rym. Fœd. tom. 8. p. 510.

⁷ See Monumenta Westmonasteriensia. Weaver's Funeral Monuments. Dugdale's Warwickshire, Stow's Survey, &c. &c.

⁸ Dugdale's Warwickshire, vol. I. p. 443, 446.

wick, in which it was erected, cost 248*l.*. 4*s.* 7*d.*, equivalent to 24,800*l.* of our money at present*. In a word, in an age when hardly any person of rank or wealth died who had not a monument erected to his memory, with his effigies, in free-stone, marble, or metal upon it, the artists who were employed in erecting these monuments, having so much employment, and so great encouragement, could not fail to make improvements in their arts.

The reigning superstitions of those times, with Painting. the vanity of the rich and great, contributed as much to the improvement of painting, as of the arts above mentioned, by furnishing constant employment, and good encouragement, to a great number of painters. For as cathedral, conventional, and other rich churches, were crowded with crucifixes and images, and their chapels with sepulchral statues, so the walls of both were almost covered, and their windows almost obscured, with paintings of various kinds, as pictures of our Saviour, the Virgin Mary, the apostles, and other saints, Scripture-histories, allegorical and armorial pieces, &c. All these paintings have been long ago destroyed, except a few fragments of painted glass; but we have sufficient evidence that they did exist, and that many of them were painted in this period. "John Carpenter, town-
" clerk of London, in the reign of Henry V.,
" caused, with great expences, to be curiously
" painted upon board, about the north cloister

* Dugdale's Warwickshire, vol. i. p.447.

“ of St. Paul’s, a monument of Death, leading
 “ all estates, with the speeches of Death, and
 “ answer of every state¹⁰. ” This famous picture,
 called, the *Dance of Death*, contained the figures
 of persons in all the different ranks of life, in
 their proper dresses, and was painted in imitation
 of one of the same kind, in the cloister ad-
 joining to St. Innocent’s church-yard in Paris.
 The French verses were translated into English by
 John Lydgate, the poetic monk of Bury¹¹. The
 expence of painting the above-mentioned mon-
 ment of Richard Earl of Warwick, and the cha-
 pel, was considerable ; and these paintings were
 of different kinds, and performed by different
 artists. John Prudde, glazier in Westminster,
 engaged to glaze the chapel “ with glass from
 “ beyond the seas, of the finest colours, of blue,
 “ yellow, red, purpure, sanguine, and violet, and
 “ of all other colours that shall be most necessary
 “ and best, to make rich and embellish the mat-
 “ ters, images, and stories, that shall be delivered
 “ to him by patterns on paper, afterwards to be
 “ newly traced and pictured by another painter,
 “ in rich colour, at his charges¹². ” It is not
 improbable that the fifty-three delineations, il-
 lustrating the history of this Earl of Warwick
 (contained in a MS. in the Cotton library), which
 have been published by Mr. Strutt, are the very

¹⁰ Stow’s Survey of London, vol. I. p. 261.

¹¹ Dugdale’s St. Paul’s, p. 534. Walkerdine’s Antiquities of Painting, vol. I. p. 71. 8vo.

¹² Dugdale’s Warwickshire, vol. I. p. 446.

patterns that were delivered to John Prudde to be painted on the windows of the chapel, or that these delineations were copied from the windows after they were painted¹³. However this may be, the glass and workmanship cost 108l., equivalent to 108l. of our money¹⁴. John Brentwood Keyner, of London, covenanted "to paint fine and curiously on the west wall of the chapel, the dome of our Lord God Jesus, and all manner of devices and imagery thereto belonging, of fair and fighthly proportion;" for which he was to receive 13l. 6s. 8d., equivalent to 130l.¹⁵ Christian Coliburne painter in London, covenanted "to paint in most fine, fairest, and curious wise, four images of stone ordained for the new chapel in Warwick; whereof two principal images, the one of our Lady, the other of St. Gabriel the angel; and two less images, one of St. Anne and another of St. George: these four to be painted with the finest oil colours, in the richest, finest, and freshest clo- things that may be made of fine gold, azure, of fine purpure, of fine white, and other finest colours necessary, garnished, bordered, and powdered, in the finest and curiouseth wise¹⁶." We have no opportunity of knowing with what taste these paintings were executed; but it was certainly intended that they should be very fine.

Portrait-painting had not yet become fashionable, and we hardly hear of any portraits that were

Portrait-painting.

¹³ See Strutt, vol. 3.

¹⁴ Dugdale, vol. 3.

¹⁵ Id. ibid. p. 447.

¹⁶ Id. ibid.

painted in this period, except those of a few great princes, prelates, and nobles¹⁷. As this branch of the art, therefore, was not much cultivated, it was not much improved. The portraits of the kings and queens of England, and of a few other eminent persons of those times, which are still preserved, have been examined by a gentleman of distinguished taste; and on his authority it may be safely pronounced, that portrait-painting in Britain was then in a very imperfect state¹⁸. In the museum of the society of Antiquaries of Scotland, lately established at Edinburgh, by a royal charter, there is a portrait, in oil colours, well preserved, with the following inscription, in Spanish, at the bottom, “The most excellent and “most serene Lord T. George Innes, a native “of Scotland, minister-provincial and vicar-ge-“neral of England, cardinal, who flourished “A.D. 1412., and wrote those books.” The books are painted near the top of the picture on a shelf, with the following titles in Latin: “De-“scription of Jerusalēm in its deformity—La-“mentations of the Holy Land—Griefs of the “Virgin Mary—History of the order of the “Holy Trinity for the redemption of cap- tives.” The cardinal is drawn in the habit of the order of the Trinity (in which he made a conspicuous figure, as superior of the con- vent at Aberdeen, minister-provincial for Scot-

¹⁷ See Hon. Mr. Walpole's *Anecdotes of Painting*, ch. 2, 3.

¹⁸ Id. ibid.

land, and at last vicar-general for England, Scotland, and Ireland), with the cross of that order on his breast, and the red mantle of a cardinal above his habit. On his head he hath a small red bonnet, and the large red hat on a table before him. In his right hand, extended, he holds a pen, in his left a scroll of paper; his eyes are lifted up, his face turned a little to one side, with strong expressions of intense thought and contemplation. This picture hath probably been preserved by the care of the ancient and honourable family of Innes, in Aberdeenshire, from which the cardinal was descended, and was lately presented to the society by a gentleman of that family. If it was really painted in Spain, A.D. 1412., only two years after painting in oil is said to have been invented by John Van Eyck, it affords another presumptive proof, that this invention is more ancient than is commonly believed.

The illuminators of books supplied the place both of history and portrait-painters in this period,^{Illuminators.} and present us with the pictures of many eminent persons of both sexes, and representations of various transactions, in miniature. This delicate art of illuminating was chiefly cultivated by the monks, and carried to a high degree of perfection. Many beautiful specimens of this art are still remaining in the British Museum, and other libraries; and prints of a considerable number of them have been published by Mr. Strutt¹⁹.

¹⁹ See Strutt's Ecclesiastical and Civil Antiquities of England.

Though these prints do not exhibit the bright and vivid colours of the originals, they give us a view, not only of the persons and dresses of our ancestors, but also of their customs, manners, arts, and employment, their arms, ships, houses, furniture, &c. and enable us to judge of their skill in drawing and colouring. Their figures are often stiff and formal; but their ornaments are in general fine and delicate, and their colours clear and bright, particularly their gold and azure. In some of these illuminations the passions are strongly painted. How strongly, for example, is terror painted in the faces of the Earl of Warwick's sailors, when they were threatened with a shipwreck, and grief in the countenances of those who were present at the death of that hero? After the introduction of printing, this elegant art of illuminating gradually declined, and at length was quite neglected.

Poetry.

Geoffrey Chaucer and John Gower, the illustrious fathers of English poetry, died in the beginning of this period; and after their death, that pleasing art evidently declined and languished. Of this their successors seem to have been sensible, acknowledged them for their masters, and loaded them with praises.

Praise of
Chaucer
and Gow-
er by
James I.

James I., King of Scotland, an excellent poet, as well as most accomplished prince, concludes his poem called *The King's Quair*, with a kind of dedication of it to the memory of these two great poets, then lately dead.

* See Strutt, vol. a. plates 56. 58.

Unto insynys of my maisteris dyes,
 Gowere and Chaucere, that on the steppis fatt
 Of rethorike, quhill thai were lyvand here,
 Superlative as poetis laureate,
 In moralitee and eloquence ornate,
 I recommend my buk in lysis seven,
 And she their faulis unto the blisse of hevin.²¹

Occleve, who seems to have been personally acquainted with Chaucer, and to have received instructions from him in poetry, frequently laments his death in very pathetic strains : By Oc-cleve.

My dere mayster, God his soul quite,
 And fader Chaucer fayne would have me taught ;
 Bat I was dule, and learned lyte or naught,
 Alas ! my worthy mayster honourable,
 This londis very tresour and rechesse,
 Deth, by thy deth, hathe harme irreparable
 Unto us done.²²

John Lydgate, the poetic monk of Bury, was By Lyd-gate.
 no less lavish in his praises of Chaucer :

My maister Chaucer
 And if I shall shortly hym descrive,
 Was never none to thys daye alyve,
 To reken all, bothe of young and olde,
 That worthy was his inkehorn for to hold.²³

As these three writers, who thus celebrated their illustrious predecessors, were unquestionably the best poets of this period, it is necessary

²¹ Poetical Remains of James I. p. 162.

²² Warton's History of Poetry, vol. 2. p. 42.

²³ Lydgate's Siege of Troy, book 5.

to give a brief account of their genius and principal works.

James I.
unfortunate.

As James I. of Scotland was one of the most accomplished princes that ever filled a throne, he was also one of the most unfortunate. After spending almost twenty years in captivity, and encountering many difficulties on his return into his native kingdom, he was murdered by barbarous assassins, in the prime of life. In the monuments of his genius he hath been almost equally unfortunate. No vestiges are now remaining of his skill in architecture, gardening and painting; though we are assured by one who was well acquainted with him, that he excelled in all these arts²⁴. Many of the productions of his pen have also perished; for he tells us himself that he wrote much²⁵; and we know of only three of his poems that are now extant, viz. Christ's Kirk of the Green — Peebles to the Play — and the King's Quair, which was lately discovered by Mr. Warton, and hath been published by another gentleman²⁶. But slender as these remains are, they afford sufficient evidence, that the genius of this royal poet was not inferior to that of any of his contemporaries; and that it was equally fitted for the gayest or the bravest strains.

²⁴ Seoticron. lib. 16. cap. 30.

²⁵ King's Quair, canto 1. stan. 13.

²⁶ See Poetical Reliques of James I. published by William Tytler of Woodhouselee, Esq. Warton's Hist. Poet. vol. 2. p. 125.

The

The first of the above mentioned poems is well known, and hath been often printed. It is a ludicrous description of a country-wedding, at Christ's Kirk, in Aberdeenshire, which began with music and dancing, and ended in a fray. The awkward gambols and merriment of the country-people, and the comical incidents of a quarrel which ensued between two young men, and soon became general, with the ridiculous attitudes, actions, and speeches of the combatants, (who threatened much, and performed little,) are described in strains of wit and pleasantry highly entertaining to those who understand the language. The last stanza, which describes a cowardly braggadochio, who appeared with terrible threats, after the fray was ended, and when he knew there was no danger, may be given as a specimen :

Quhen all wes done, Dik with ane six
 Cam furth to fell a fuddir,²⁷
 Quod he, quhair ar yon hangit fmaix,
 Rycht now wald flane my bruder :
 His wyp bad him ga hame, Gib glaiks,
 And sa did Meg his muder,
 He turnit, and gaif them baith their paikis,
 For he durst ding nane uder,
 For feir,
 At Christis Kirk of the Grene that day.

The historian John Major, who flourished in Peebles to the end of the fifteenth, and the beginning of the Play. the sixteenth century, acquaints us, that in his time several poems which had been composed

²⁷ To kill a great number.

by James I., were repeated and admired by the people of Scotland; particularly a very witty and pleasant song, which began with these words, “*Yas fin, &c.*,” and another with “*At Bel-tayn*²⁸.²⁹” It had long been supposed that both these poems were irretrievably lost. The last of them, however, hath been lately recovered and published, with this title, “*Pebbles to the Play*.³⁰” It is in the same kind of stanza and verse with Christ’s Kirk of the Green, and with the same pleasantries and humour describes the adventures of a company of country-people, who went to Peebles to see the annual games at that place. This amiable prince seems to have delighted in seeing his subjects in their Sunday’s clothes, and in their hours of festivity. The first stanza may be a specimen:

At Beltane, when ilk bodie bownis
 To Peebles to the play,
 To heir the fingen and the foundis;
 The solace, feith to say,
 Be firth and forest furth they found;
 They graythit tham full gay;
 God wait what wald they do that fround,
 For it was thair feft day,
 They said,
 Of Pebbles to the play.³¹

King's
Quair.

The chief work of King James now known is the poem lately published, called the King’s Quair,

²⁸ J. Major de gestis Scotorum.

²⁹ It was discovered by Dr. Percy, and is published in a collection of select Scottish Ballads, vol. 2. p. 1.

³⁰ Collection of select Scottish Ballads, vol. 2. p. 1.

i.e. the

i. e. the King's Book, consisting of 197 stanzas, of seven lines each, divided into six cantos. It was written in honour of Lady Jane Beaufort, his beautiful mistress, afterwards his beloved queen ; and few ladies have had so fine a poem composed in their praise by a royal lover.

In the first canto, after bewailing the uncomfortable days and restless nights he spent in prison, he tells us, that one morning the bell that rung to matins seemed to call upon him to tell the story of his love, which, after some hesitation, he determined to do, and invoked the aid of the nine muses.

In the second canto, he relates his sorrowful parting with his friends when he was very young, his capture and imprisonment, and again laments his loss of liberty and long confinement, in very affecting strains. He then comes to the main subject of his poem, the story of his love ; and tells us, that one morning in May, as he was looking down from the window of his prison in Windsor castle into the garden below, listening to the love-songs of nightingales, and wondering what the passion of love could be, which he had never felt, he adds,

And therewith keft I doun myn eye ageyne,
 Quhare as I saw walking under the Toure,
 Full secreteley, new cumyn hir to pleyne,
 The fairest or the freicheft young floure
 That ever I saw, methought, before that houre,
 For quich sodayne abate, anon aftert,
 The blude of all my body to my hert.

He then paints the various emotions of his heart, and the beauties of his mistress, in strong and glowing colours. His invocation of Venus, and his invitation of the nightingales to entertain his lady with their songs, are finely imagined and expressed. At her leaving the garden, he sunk into the deepest melancholy :

To sene her part, and folewe I na maight,
Methought the day was turayt into nyte; &c.

Canto 3.

The third canto proves, that King James possessed the most rare and necessary qualification of a great poet, a lively and inventive fancy. He imagined that he was transported in a bright cloud to the planet Venus, and admitted into the palace of the Queen of Love, where he beheld all who had been the votaries of that divinity divided into different classes, according to their different characters and fortunes. His descriptions of these different classes of lovers discover that he had acquired an extensive knowledge of mankind, even in the solitude of his prison. The clerical and conventional lovers, who had taken vows of virginity, are thus described :

And after this, upon yon frage adoun,
Tho' that thou seist stand in capis wyde:
 You were whilom folk of religion,
That from the wold their governance did hide,
 And freely servit lufe on every fyde,
In secrete, with thaire bodyis and thaire gudis,
 And lo ! why so, they hingen down thaire hudas.

The

The descriptions of Cupid and Venus, his address to that goddess, and her answer, discover an equal richness of expression and invention. Venus, after promising her aid, sends him under the conduct of Good-Hope to Minerva for advice.

The fourth canto contains his journey to the Canto 4.
palace of Minerva, his address to that goddess,
and her answer. Minerva, after questioning him
concerning the nature of his love, and being
convinced by his answers that it was of the
most sincere, virtuous, and honourable kind,
gives him many wise advices, and this amongst
others :

Be trewe and meke, and stedfast in thy thot,
And diligent her merci to procure,
Not onely in thy word, for word is not,
But gif thy werk and all thy besy cure
Accord thereto ——————

Minerva then acquaints him, that the success of every enterprise depended on the decree of Heaven, which, amongst men, was called Fortune, and directs him to

Pray Fortune help; for suich unlikely thing
Full oft about she fodeynly dooth bring.

He then took his leave of Minerva, and thus describes his descent from her celestial palace :

..... Als fraught as ony lyne
Within a beme, that thro the contree dyvine,
Sche percyng through the firmament extendit,
To groundageyne my spirit is descendit.

In

In these two cantos, the King very artfully contrives to put several fine compliments to his mistress into the mouths of Venus and Minerva.

Canto 5. In the fifth canto, he sets out in quest of Fortune, conducted by Good-Hope, and describes the rivers, trees, and animals of the beautiful country through which they travelled, in very poetical language. He found the goddesses sitting on the ground, dressed in a party-coloured robe, sometimes frowning and sometimes smiling, with her wheel before her, from which he saw many persons fall headlong into a profound pit, out of which few of them emerged. Having implored her aid for the success of his love, she encouraged him to mount her wheel boldly, to stand firm, and hold fast; but in assisting him to mount, he says,

. . . . She by the eare me toke
So sneily that there withall I woke.

Canto 6. In the sixth canto, he describes the painful perplexity he was in, to know whether what had passed was a vain dream, or a real vision, which could afford him any solid hopes. In this perplexity he walked to the window of his prison, where “A turture white as calk” alighted upon his hand, with a stalk of gillyflowers in her beak, which she delivered to him, and took her flight. On the leaves of the flowers these verses were written :

Awake!

Awake ! Awake ! I bring lusar, I bring
 The newis glad, that blissful ben and fure.
 Of thy confort ; now lauch, and play, and sing,
 That art befid so glad an aventure ;
 Fer in the hevyn decretit is thy cure.

Having read these verses a hundred times, they dispelled all his fears, and filled him with the most lively transports of joy.

To these fix cantos is subjoined an epilogue, in which he pours a profusion of blessings on every person and every thing which had contributed to the success of his love, and paints his own happiness in the purest and strongest colours.

It is with difficulty I restrain myself from giving a fuller view of the long-lost remains of this most amiable and accomplished prince, whose fame hath not been equal to his merits.

Thomas Occleve flourished in the reign of *Occlove*. Henry V., and composed a considerable number of poems; but as few of them have been thought worthy of publication in print, it will be sufficient to give his character as a poet, in the words of one of the best informed and most judicious critics of the present age. “ Occleve is a feeble writer, “ considered as a poet ; and his chief merit seems “ to be, that his writings contributed to propa- “ gate and establish those improvements in our “ language which were now beginning to take “ place. His works indicate a coldness of genius, “ and,

" and, on the whole, promise no gratification to
those who seek for invention and fancy."²¹

Lydgate.

John Lydgate, a monk in the great Benedictine monastery at St. Edmundsbury, was by far the most voluminous, and, in some respects, the best poet of this period. He composed verses on a great variety of subjects, and many different occasions. His principal works, which have been printed, were these four,—The Lyfe of our Lady, — The Fall of Princes, — The Siege of Thebes, and — The Destruction of Troy. Of these, and Lydgate's other poems, the reader will find a satisfactory account, with many specimens of the excellent work quoted below²². The chief excellencies of this poet were, the smoothness of his versification, and the strength, beauty, and copiousness of his descriptions, in which he abounds; but he seems to have been inferior to his contemporary King James, in originality, and the powers of invention. Lydgate was not only a good poet, but also a general scholar, acquainted with all the learning of the times in which he flourished; and it is no small reproach to those times, that he died in his monastery, at an advanced age, without ever having received any preferment.

Other poets.

Several other poets, or rather versifiers, appeared in this period; but they are not entitled to a place in general history. I am fully convinced, that the poems published a few years ago, under

²¹ Warton's History of English Poetry, vol. 2. p. 38.

²² Id. ibid. p. 51—100.

the name of Thomas Rowlie, confessor to William Canning, the famous merchant of Bristol, were neither written by that gentleman, nor by any other person in this period. It is impossible, however, to peruse these poems, without lamenting the untimely fate of the unhappy youth who was their real author.

As martial music was much used and cultivated in this period, it is probable that it was improved; but of the particulars of these improvements we have no certain information. The band which attended Henry V. in France, consisted of ten clarions, and many other instruments, and played an hour every morning and another every evening, at the King's headquarters.³³

Church music was cultivated with as much care and diligence in this as in any preceding period. As the clergy endeavoured to captivate the eyes of the people by the magnificence of their churches, the beauty of their paintings and images, the splendour of their dresses, the pomp of their processions, &c. so they endeavoured to charm their ears by the sweetnes of their music; especially in cathedral and conventional churches, and in the chapels of kings, prelates, and great barons, where the service was daily sung by numerous bands of men and boys, to the sound of organs. This made it necessary for all who assisted in performing the public offices of the church, to acquire a competent knowledge of music, and

³³ Monstrelet, lib. 2. ch. 227.

caused those who excelled in that art to be much admired and well rewarded.

Studied as
a science.

Church music was not merely practised as an art, but the theory of it was studied as a science, in this period. It was one of the four sciences which constituted the quadrivium of the schools; and was studied with greater attention than any of the other three, which were, arithmetic, geometry, and astronomy. A considerable number of the youth who were educated for the church made music their principal study at the universities, in order to obtain the academical honours of bachelors and doctors of music; because those who obtained these honours were almost certain of preferment. Thomas Saintwix, doctor of music, for example, was appointed provost of King's College, in Cambridge, by its founder, Henry VI., A.D. 1463.³⁴

Counter-
point.

Harmony was now superadded to the melody or plain chant of the ancient church. Counterpoint was invented, though it was very imperfectly understood. This new art, as it may be called, furnished an ample field for exercising the genius and industry of musical students; and this was the chief subject of their studies. A great number of tracts on counterpoint were written in England and other countries in this period, of which the greatest part are lost. Many pieces of this new music were composed for the church, but very few of them have been preserved³⁵. The

³⁴ Rym. Fœd. tom. II. p. 510.

³⁵ See Dr. Burney's History of Music, vol. 2. c. 4, 5. Sir John Hawkins, vol. 3.

honour

honour of inventing counterpoint is ascribed to the English by John Tinctor, one of the best writers on music, in this period. “ Of which new “ art (says he), as I may call it, viz. counter- “ point, the fountain and origin is said to have “ been among the English, of whom Dunstable “ was the chief or head ³⁶. ” In these words, the invention of counterpoint is ascribed to the English, but not to Dunstable, who is only said to have been at the head of the English musicians of his time, of which there is sufficient evidence still remaining ³⁷. John Dunstable, famous for his superior skill in astronomy and music, flourished in the former part of the fifteenth century, and died in London A.D. 1458. Tinctor, who flourished in the same century, could not be ignorant that counterpoint was invented before the birth of Dunstable. It is not improbable, that what Giraldus Cambrensis had written concerning the natural harmony practised by the people of Wales and the North of England in his time, gave rise to the report, that counterpoint was invented in England. ³⁸

• Church music was not only admired and studied by the clergy, but it was one of the most pleasing amusements of the laity, and was cultivated with diligence and success by persons of the highest rank. Henry V. was an admirer of church music, and amused himself with playing on the organ ³⁹. His contemporary, James I. of Scotland,

³⁶ Burney, vol. 2. p. 450.

³⁷ Id. ibid. p. 405—412.

³⁸ See vol. 6. p. 251, 252.

³⁹ Thomas de Elmham, p. 22.

was a capital performer on the organ, and even composed several pieces of sacred music for the use of the church⁴⁰. James III. being no less fond of music than of the other fine arts, invited the most famous musicians to his court, and loaded them with favours. Sir William Rogers, a musician, was one of his six unhappy favourites who were put to death at Lauder, A.D. 1482.⁴¹ Ferrerius, an Italian, who wrote the history of this prince, acquaints us, that he had conversed with several celebrated musicians in Italy, who spoke in high terms of the excellence of Scotch music, and the munificence of James III., in whose court, they told him, they had been educated⁴². These musicians had probably belonged to that numerous choir which King James established in the chapel of his palace in the castle of Stirling, and had returned into their own country after the death of their royal patron, and carried with them the knowledge of the Scotch music. Not only the kings, princes, and prelates, but all the great and opulent barons of those times had magnificent chapels in their castles, furnished with organs, musicians, and singers; and these nobles, with their friends and families, attended the services of the church performed in their chapels, as agreeable entertainments as well as acts of devotion.⁴³

⁴⁰ Scoticron, l. 16. c. 28. Alessandro Tassoni, Penfieri Diversi, lib. 10.

⁴¹ See p. 390, 391.

⁴² Ferrerii Hist.

⁴³ See the Northumberland Family-book, p. 323, 324, 367—377.

The people of Britain have in all ages delighted in secular or social music. It is a sufficient proof of this, amongst many others that might be given, that the professors of that art, the scalds and minstrels, were the favourites of the great, and the idols of the people, for many ages. But long and great prosperity had the same effect upon these minstrels, that it hath uniformly had on every order of men. It swelled their numbers beyond all due proportion, increased their avarice, inflamed their pride, and corrupted their manners, and at length lost them that public favour which they had long enjoyed. But though the minstrels began to decline in their credit in the present period, and were neither so highly honoured, nor so richly rewarded, as they had formerly been; yet such of them as excelled in their art were still much respected. Not only all our kings, but almost all the nobility and men of fortune, had bands of these secular musicians or minstrels in their service, who resided in their families, and even attended them in their journeys, for their amusement. These domestic minstrels, besides their board, clothing, and wages, which they received from their masters, were permitted to perform in rich monasteries, and in the castles of other barons, upon occasions of festivity, for which they were handsomely rewarded⁴⁴. Edward IV., A.D. 1469., on the complaint of Walter Haliday, and his other minstrels, that many ignorant dis-

⁴⁴ Warton Hist. Poet. vol. I. p. 91. Northumberland Book, p. 339.

orderly persons assumed the “ name of minstrels, “ and brought the profession into disgrace, gave “ and granted a licence unto Walter Haliday, “ John Cuff, Robert Marshall, Thomas Grane, “ Thomas Calthorne, William Cliff, William “ Christian, and William Eynesham, his min-“ strels, and their successors, to be one body and “ cominality, perpetual, and capable in law.” Edward, by the same charter, gave ample powers to this musical corporation, for correcting the disorders, and regulating the affairs, of the minstrels. But this institution neither corrected the disorders, nor retrieved the reputation, of this fraternity.

Much of
it lost.

Many of the poems, songs, and ballads, that were sung by the minstrels and people of this period, have undoubtedly perished; but a considerable number of them have been preserved and published⁴⁵. They are of very different degrees of merit, and written on a great variety of subjects; some of them calculated to entertain the great, and others to divert the vulgar. But though the words of these poems are preserved, the tunes to which many of them were originally sung are now unknown; and the most diligent inquirers have been able to discover only a very few specimens of the popular music of this period.⁴⁶

⁴⁵ Rym. Fæd. tom. ii. p. 642.

⁴⁶ See Reliques of Ancient Poetry, Ramsay's Evergreen, and other collections.

⁴⁷ Sir John Hawkins, vol. 2, p. 2—17. Dr. Burney, vol. 2, p. 405—412.

The secular music of Scotland was greatly improved at this time, not by the efforts of professed musicians, but by the ingenuity of one of her monarchs, James I., who seems to have been born to excel in every art and science to which he applied his mind. Walter Bower, abbot of Inch-colm, who was intimately acquainted with that prince, assures us, that he excelled all mankind, both in vocal and instrumental music: and that he played on eight different instruments (which he names), and especially on the harp, with such exquisite skill, that he seemed to be inspired⁴⁸. King James was not only an excellent performer, but also a capital composer, both of sacred and secular music; and his fame on that account was extensive, and of long duration. Above a century after his death he was celebrated in Italy as the inventor of a new and pleasing kind of melody, which had been admired and imitated in that country. This appears from the following testimony of Alessandro Tassoni, a writer who was well informed, and of undoubted credit:

" We may reckon among us moderns, James
 " King of Scotland, who not only composed many
 " sacred pieces of vocal music, but also of him-
 " self invented a new kind of music, plaintive and
 " melancholy, different from all other; in which
 " he hath been imitated by Carlo Gesualdo,
 " Prince of Venosa, who, in our age, hath improved
 " music with new and admirable inventions⁴⁹."

Secular
music of
Scotland
improved
by James I.

⁴⁸ Scoticron, lib. 16. c. 28.

⁴⁹ Alessandro Tassoni Diversi, lib. 10. Sir John Hawkins, vol. 4, p. 5, 6.

As the Prince of Venosa imitated King James, the other musicians of Italy imitated the Prince of Venosa. “The most noble Carlo Gesualdo, the “ prince of musicians of our age, introduced such “ a style of modulation, that other musicians “ yielded the preference to him ; and all singers “ and playerson stringed instruments, laying aside “ that of others, every where embraced his^{so}.” All the lovers therefore of Italian or of Scotch music, are much indebted to the admirable genius of King James I. who, in the gloom and solitude of a prison, invented a new kind of music, plaintive indeed, and suited to his situation, but at the same time so sweet and soothing, that it hath given pleasure to millions in every succeeding age.^{si}

^{so} Sir John Hawkins, vol. 3. p. 212.

^{si} For a more complete account of Scotch music, see Mr. Tyde's *Dissertations subjoined to his edition of the Poetical Remains of James I.* Edinburgh, 1783.

THE
HISTORY
OF
GREAT BRITAIN.

BOOK V.

CHAP. VI.

The History of Commerce, Coin, and Shipping in Great Britain, from the accession of Henry IV., A.D. 1399., to the accession of Henry VII., A.D. 1485.

THE commerce of Great Britain hath at all times been an object of great importance, and hath contributed so much to the power and riches, to the comfort and happiness, of its inhabitants, that the state and progress of it merits our attention in every period, and is not unworthy of a place in general history. Triumphs, conquests, and victories, excite a more lively joy at the

the time when they are obtained, and make a greater figure in the page of history, than the peaceful, silent adventures of the merchant: but if they do not, in the issue, contribute to encrease the ships and sailors, and to extend the trade of such a country as Britain, they are of little or no utility, if they are not pernicious. Such were the celebrated victories obtained by the English in France, under their heroic King, Henry V.; almost equally ruinous to the victors and the vanquished.

Obstruc-
tions of
trade.

The trade of Britain met with many obstructions in the present period, which greatly retarded its progres and extenion. The martial spirit that reigned in both the British nations, with the foreign or domestic wars in which they were almost constantly engaged, formed the greatest of these obstructions. In such turbulent times, commerce could not flourish, when war was the only honourable occupation, the merchant was despised, his person and property were unsecure, and exposed to many dangers both by sea and land. As our kings had few ships of their own, whenever they had occasion for a fleet, to fight their enemies or transport their armies, they preffed into their service all the ships as well as all the sailors that could be found; which put a total stop to trade. Thus, to give one example out of many, Heary V., at his first invasion of France, A.D. 1415., preffed all the ships in all the ports of England, of twenty tons and upwards, to transport his army; &c. to the

the continent¹. Even those who were engaged in trade had imbibed so much of the martial, ferocious spirit of the times, that they frequently acted as pirates; and when they met with ships of inferior force, they seized or plundered them, without distinguishing between friends and foes. This obliged the mariners of other nations and their sovereigns to make loud complaints to the court of England; and when they could not obtain redress (which was often the case), they were compelled to make reprisals, which increased the dangers of navigation, and interrupted the intercourse between countries that were not at war². It was common for the kings of England, and other princes in this period, to grant letters of marque to a single merchant, empowering him to make reprisals on the subjects of a state with which they were at peace, till he was indemnified for the losses he had sustained from the subjects of that state³. Besides this, both the Baltic and the British seas were infested with pirates, who seized and plundered the ships of all nations without distinction. Neither the merchants nor the legislators of this period entertained just ideas of trade, or of the most effectual means of promoting it; and we may reckon the monopolizing spirit of the former, and the imprudent regulations of the latter, among the impediments that

¹ Rym. Fed. tom. 9. p. 215—218.

² See Hakluyt's Voyages, vol. I. p. 154—180. Rym. Fed. tom. 8. p. 269. 273—276. 284. 287.

³ Id. ibid. p. 96. 755. 773.

obstructed

obstructed its progress. The British merchants considered all foreigners who came amongst them for the sake of trade as interlopers and enemies; and, at their instigation, the legislature laid them under restrictions that were hardly tolerable. It was enacted by the parliament of England,—
 “ That all foreign merchants should lay out
 “ all the money they received for the goods they
 “ imported, in English merchandise to be ex-
 “ ported—That they should not carry out any
 “ gold or silver in coin, plate, or bullion, under
 “ the penalty of forfeiture—That they should
 “ sell all the goods they imported in the space of
 “ three months—That one merchant-stranger
 “ should not sell any goods in England to ano-
 “ ther merchant stranger—That when a foreign
 “ merchant arrived in any port or town in Eng-
 “ land, a sufficient host should be assigned him,
 “ with whom he should dwell, and no where
 “ else.” The parliaments, both of England and Scotland, made many laws against the exportation of gold and silver in any shape, or on any account; not reflecting, that if the balance of trade was against them, that balance must be paid in these precious metals, in spite of all the laws that could be made against it, and that these laws could serve no other purpose but to perplex and distress the merchant.

Retarded
its pro-
gress.

But the island of Britain is so favourably situated for trade, and the love of gain is so strong and general a passion in the human mind, that all these

* Statutes, 4th Henry IV. c. 15. 5th Henry IV. c. 9, &c.

obstruc-

obstructions, though they retarded, did not wholly prevent the progress of commerce in this period, as will appear from the sequel.

Henry IV., being a wise prince, and knowing the great importance of commerce, promoted it as much as the unsettled state of his affairs permitted. After tedious negotiations, he put an end to the disputes and mutual depredations that had long prevailed between the English merchants and mariners, and those of the Hanse towns of Germany, and of the seaport towns of Prussia and Livonia, subject to the grand master of the Teutonic order of knights, who then possessed these two last countries. Both parties made loud complaints, and gave in high estimates of the damages they pretended they had sustained; and it required long discussions to ascertain the justice of these estimates. At length it was agreed, A.D. 1409., that Henry should pay 15,955 gold nobles to the grand master, and 416 of the same to the consuls of the city of Hamburg, as the balance against his subjects⁵. Among other claims, the German and Prussian merchants demanded damages for some hundreds of their countrymen, who had been thrown overboard and drowned by the English. To this claim Henry made answer—" That when we shall be advised of the number, state, and condition of the said parties drowned, we will cause sufficient frages and prayers, and divers other holesome remedies, profitable for the souls of the de-

Commer-
cial treaty.

⁵ Rym. Fœd. tom. p. 601, 602.

" ceased,

" ceased, and acceptable to God and men, to be
 " ordained and provided ; upon condition, that,
 " for the souls of our drowned countrymen, there
 " be the like remedy provided by you ." These
 transactions exhibit a strange mixture of barba-
 rity and superstition, which too much prevailed
 in the times we are now describing.

Compa-
nies of fo-
reigners.

Though the dislike of the English to merchant-strangers continued through the whole of this period, and they were exposed to frequent insults, and subjected by law to various hardships ; yet several companies of them were settled in London and other places, under the protection of royal charters. The German merchants of the steel-yard formed one of the most ancient, opulent, and powerful of these companies, being a branch of the great commercial confederacy of the Hanse towns in Germany and Prussia. This company had been highly favoured by Henry III., who by his charters conferred upon it various privileges and exemptions, which were confirmed by his successors, both in the last and present period. These privileges are not distinctly known ; but it plainly appears, that they were exempted from contributing to subsidies, tenths and fifteenths, and were not subjected to the additional duties imposed from time, to time on goods exported and imported ; paying only the ancient customs agreed upon at the time of their establishment, which were very small.⁶ It is not

⁶ Hakluyt, vol. 5. p. 177.

⁷ See Anderson's History of Commerce, vol. I. p. III. 114. 120. 129. 220. 279. 282.

to be wondered, therefore, that the English merchants were not very fond of a company of foreigners seated in the metropolis, and enjoying greater advantages in trade than themselves. This company had houses in other towns, particularly at Lynn and Boston, and preserved their privileges, with some interruptions, almost a century after the conclusion of this period⁸. Companies of merchants of Venice, Genoa, Florence, Lucca, and Lombardy, were also settled in England, chiefly in London, protected by royal charters, and managed the trade of the states and cities to which they belonged⁹. In a word, a great part of the foreign trade of England was still in the hands of these companies of merchant-strangers.

The merchants of the staple, as they were called, were formed into a corporation, or trading company, about the beginning of the preceding period. The constitution and design of that once rich and flourishing company hath been already described¹⁰. It still subsisted, and, though it had met with some discouragement, was not inconsiderable. This company paid no less for the customs of the staple commodities of wool, wool-fells, woollen cloth, leather, tin, and lead, it exported, A.D. 1458., than 68,000l., containing as much silver as 136,000l. of our money; which is a sufficient proof that its dealings were then extensive¹¹. They were strictly bound by their char-

Merchants
of the
staple,

⁸ Anderson's History of Commerce, vol. i. p. 291. 418.

⁹ Id. ibid. p. 231. 235. 236. 240. 243. 301.

¹⁰ See vol. 8. book 4. ch. 6. " Anderson, v. 1. p. 276.

ter, and by law, to carry all the goods they exported to the staple at Calais; and to land them at any other port was made felony by act of parliament, A.D. 1439.¹² The corporation or company of the staple was originally composed of foreigners; but by degrees some English merchants were admitted into it, as being fittest for managing their affairs in England, to which branch of the business the English were confined.

Brotherhood of St. Thomas.

The most ancient company of English merchants, of which there is any trace in history, was established about the end of the thirteenth century, and was called — *The brotherhood of St. Thomas Becket* — in honour of that celebrated English Saint. The design of that company was to export the woollen cloth, which about that time began to be manufactured in considerable quantities in England; and as that manufacture increased, the trade of the brotherhood also increased. Henry IV., A.D. 1406., incorporated this society by a charter, regulating their government and their privileges. By this charter, any merchant of England or Ireland, who desired it, was to be admitted into the company, on paying a small fine. As this society was composed of the native subjects of the kings of England, it was favoured both by government and by the people, made gradual incroachments on the trade of the merchants of the staple, and at length ruined that company.¹³

¹² Statutes, 18th Hen. VI. c. 15.

¹³ Anderson, vol. I. p. 233. 260, &c.

English
factories
abroad.

The English merchants, observing the advantages that foreigners derived from having partners and correspondents of their own countries settled in England, imitated their example, and established factories in several places on the continent. Henry IV. granted a charter, A.D. 1404., to the English merchants residing in Germany, Prussia, Sweden, Denmark, and Norway, empowering them to hold general assemblies, to make laws, to chuse governors, with authority to determine disputes among themselves, and with foreigners, and to preserve the privileges granted to them by the sovereigns of these countries ¹⁴. The same king granted a similar charter, A.D. 1406., to the English merchants in Holland, Zealand, Brabant, and Flanders ¹⁵. The first of these charters being too extensive, Henry granted a separate one, A.D. 1408., to the English settled in the dominions of the King of Denmark, who was also King of Sweden and Norway ¹⁶. These charters were confirmed by Henry VI. A.D. 1428.¹⁷ The office and powers of these governors seem to have been nearly the same with those of our modern consuls; and towards the end of this period, they were called by that name, and appointed by the King. Richard III. A.D. 1585., appointed Laurentio Strozzi, a merchant of Florence, to be consul, and president of all the English merchants at Pisa, and parts adjacent; "allowing him for his trouble the fourth part of

¹⁴ Hakluyt, vol. i. p. 184. Rym. Fed. tom. 8. p. 360.

¹⁵ Id. ibid. p. 464.

¹⁷ Id. tom. 10. p. 400.

¹⁶ Id. ibid. p. 511.

"one per cent. on all goods of Englishmen, either imported to, or exported thence "¹⁸." In that commission Richard says, he had appointed that officer in imitation of other nations; which makes it probable, that it was the first commission of the kind granted by a king of England.

Treaties.

It would be tedious to enumerate all the commercial treaties that were made by the kings of England, with almost all the princes and states of Europe, in this period. These treaties were very necessary, to restrain the piratical spirit that reigned in the mariners of all nations in those times: but they were very ill observed; and few seamen of any country could resist the temptation of seizing a weaker vessel, when she fell in their way, though belonging to a friendly power. This occasioned continual complaints of the breach of treaties, and the frequent renewal of these treaties. No fewer than four commercial treaties, for example, were concluded between England and the Hanse-towns, in the space of three years, from A.D. 1472. to 1474., and all to little purpose¹⁹; and we have copies of eighteen such agreements between England and Flanders, in this period; which is a sufficient evidence that none of them was well observed²⁰. The intent of those treaties was, to prevent mutual depredations at sea, and to secure a friendly reception to the merchants of the contracting parties in each other's ports; and no doubt they contributed

¹⁸ Rym. Fœd. tom. 12. p. 261.

¹⁹ Id. tom. 9. p. 739. 780. 792.

²⁰ Id. tom. 8—12.

something to these purposes, though not so much as was intended.

The English, in this period, were fully convinced of the importance and necessity of being masters at sea, and particularly on their own coasts, and in the narrow seas between this island and the continent. This was most earnestly inculcated upon them, by a rhyming pamphlet, written about A.D. 1433. The now unknown author of that pamphlet asserted, in the strongest terms, that if the English kept the seas, especially the narrow seas, they would compel all the world to be at peace with them, and to court their friendship²¹. The ancient duty of tonnage and poundage was granted to our kings by parliament, to enable them to guard the seas and protect the merchants²². This duty (raised to 3s. on every ton of wine, and 5 per cent. on all other goods imported), together with the fourth part of the subsidy on wool and leather, was granted by Henry IV. A.D. 1406., with consent of parliament, to the merchants, to guard the seas; but payment was soon stopped, on complaints being made to the King that the seas were not properly guarded²³. Henry IV. maintained the dominion of the narrow seas with great spirit, and took ample revenge on the French, Flemings, and Britons, who had insulted the English coasts, and interrupted the English commerce, when the King was engaged against the Earl of Northumberland.

Custody of
the sea.

²¹ See this very curious pamphlet in Hakluyt, vol. i. p. 167—208.

²² Statutes, 6th Rich. II. ch. 3.

²³ Rym. Fed. tom. 3. p. 437.

and his confederates. William de Wilford, admiral of the narrow seas, sailed to the coast of Brittany, where he took forty of their ships, and burnt an equal number²⁴. The Earl of Kent did still greater mischief on the coast of Flanders; and the famous Henry Pay, admiral of the cinqueports, took a whole fleet of French merchantmen, consisting of 120 sail.²⁵

Victories at sea.

The heroic Henry V. was almost as victorious at sea as at land; and in his reign the fleets of England rode triumphant on the narrow seas. His brother John Duke of Bedford obtained one naval victory, A.D. 1416., and the Earl of Huntington another, A.D. 1417., over the united fleets of France and Genoa, taking or destroying almost all their ships; which effectually secured the dominion of the sea to the English for several years²⁶. Henry V. seems to have been the first king of England who had any ships that were his own property. At his first invasion of France, he had two large and beautiful ships with purple sails, the one called the King's Chamber, the other his Hall. The author of the pamphlet above mentioned saith of this prince,

—At Hampton he made the great dromons,
Which passed other great ships of all the commons;
The Trinity, the Grace de Dieu, the Holy Ghost,
And other moe, which now be.lost.²⁷

²⁴ Walfing. Ypodigma Neufrize, p. 561.

²⁵ Otterbourne, p. 253. Walfing. p. 376.

²⁶ Elmham, cap. 30. 36.

²⁷ Prologue of English Policie, apud Hakluyt, vol. I. p. 203.

In the long unhappy reign of Henry VI., especially after the death of his uncle the Duke of Bedford, A.D. 1435., the affairs of the English declined with great rapidity, both by sea and land. The French, having expelled them from all their conquests on the continent, except Calais, insulted them on their own coasts, took, plundered, and burnt the town of Sandwich²⁸. But the great Earl of Warwick, being appointed admiral, equipped several squadrons, with which he scoured the channel, took many valuable ships, and in some degree recovered the dominion of the sea.²⁹

Edward IV. paid great attention to mercantile and maritime affairs, and on two occasions collected very great fleets: first, when he actually invaded France, A.D. 1475.; and, secondly, when he prepared for another invasion of it, but was prevented by death. This prince had several ships that were his own property, with which he at some times protected the trade of his subjects, and at other times he employed them in trade as a merchant, which contributed not a little to his great wealth.³⁰

The reign of Richard III. was so short and turbulent, that he had little opportunity of shewing his attention to the dominion of the sea. It is, however, certain, that if he had guarded the narrow seas with greater care, he might have prevented the landing of his rival the Earl of

²⁸ Fabian, p. 464.

²⁹ Stow, p. 404.

³⁰ Rym. Fed. tom. 12. p. 139. Hist. Croyl. p. 559.

Richmond, and preserved both his life and crown.

Circle of
trade en-
larged.

Though the English, in this period, were much engaged in war, and consequently could not carry on trade with the same ease and safety as in more peaceful times, the circle of their commerce was not contracted, but rather a little enlarged. The countries with which they had commercial intercourse in the fourteenth century, have been already enumerated ; and there is the fullest evidence that their intercourse with all these countries still continued ; and that English merchants now began to visit some seas and coasts which they had not formerly frequented³¹. A company of London merchants, A.D. 1413., loaded several ships with wool and other merchandize, to the value of 24,000l. (a great sum in those times), for the western parts of Morocco, which was probably the first adventure of the English to those parts. The Genoese seized these ships as interlopers ; and Henry IV. granted their owners letters of marque, to seize the ships and goods of the Genoese wherever they could find them³². There was a great trade between Venice, Genoa, Florence, and other cities of Italy, and England, long before this time ; but that trade seems to have been wholly carried on in foreign bottoms, and by foreign merchants. This appears from the commercial treaties between the English government and these Italian states and cities, in which

³¹ See vol. 8. book 4. ch. 6.

³² Rym. Fœd. tom. 8. p. 773.

they

they stipulate for the safety and friendly reception of their ships and merchants in the ports of England, without any stipulation in favour of English ships or merchants in their ports; which could not have been neglected, if they had frequented those ports³³. The merchants of England, in the course of this period, attempted to obtain a share in this trade; but they met with great opposition in the execution of this design, not only from the Italians, but even from their own sovereigns, who favoured those foreigners, because they accommodated them with great loans of money, in their straits, and paid higher customs than their own subjects. It was not till the reign of Richard III. that the English merchants obtained any solid footing in Italy; as is evident from the preamble of that prince's commission to Laurentio Strozzi to be their consul at Pisa: “Whereas certain merchants and others from England intend to frequent foreign parts, and chiefly Italy, with their ships and merchandise, and we being willing to consult their peace and advantage as much as possible, and observing from the practice of other nations, the necessity of their having a peculiar magistrate among them for the determining of all disputes, &c.”³⁴ Two English merchants, A.D. 1481., encouraged by Edward IV., and by the Spanish Duke of Medina Sidonia, prepared a fleet for a trading voyage to some of those countries on the coast of Africa, that had been lately

³³ See Rym. Edn. tom. 8, 9.

³⁴ Id. tom. 12. p. 261.

discovered by the Portuguese, particularly to Guinea. But that enterprise was prevented by the interposition of John II., King of Portugal, at the court of England³⁵. So slow was the progress of commerce at this time, in comparison of the rapid, astonishing advances it made in the next period.

Exports
and im-
ports.

A pretty full enumeration of the exports and imports of England hath been given in a former period, to which very much cannot now be added³⁶. Several changes, however, had taken place in these particulars; and some additions had been made both to the exports and imports, a few of which may be mentioned. Slaves were no longer exported from England: but pilgrims were now become a considerable article of exportation; and several ships were every year loaded from different ports with cargoes of these deluded wanderers, who carried out with them much money for defraying the expences of their journey, and making presents to the saints they visited: for all these saints, they were told, were much pleased with money. We meet with many licences granted by our kings to masters of ships, permitting them to carry a certain number of pilgrims, from such a port to the shrine of such a saint, named in the permit. Henry VI., for example, granted permits, A.D. 1434., for the exportation of 2433 pilgrims to the shrine of St. James of Campostella. Fortunately there was a still greater importation of pilgrims from the

³⁵ Anderson, vol. I. p. 296.

³⁶ See vol. 6. p. 267—278.

continent,

continent, to visit the shrine of St. Thomas of Canterbury; which brought the balance of this traffic in favour of England.

As great improvements had been made in the Woollens. woollen manufactory, great varieties, and much greater quantities of woollen cloths, were exported than in any former period. These formed one of the most valuable articles of exportation to every country with which England had any trade. But still the English were so far from working up all their wool, that great quantities of that precious commodity, so much valued in Italy and Flanders, where yet exported³⁷; and the subsidy on wool exported was one of the most certain and valuable branches of the royal revenue.

Corn seems now to have been a more important Corn. article of export than it had been in some former periods; and several laws were made for regulating its exportation and importation. A law was made A. D. 1425., granting a general and permanent permission to export corn, except to enemies, without particular licences; but giving the King and council a discretionary power to restrain that liberty, when they thought it necessary for the good of the kingdom³⁸. The country gentlemen in the house of commons, A. D. 1463., complained, that the easterlings or merchants of the steel-yard, by importing too great quantities of corn, had reduced the price of that

³⁷. Rym. Fœd. tom. 9. p. 312. Anderson, vol. 1. p. 280.

³⁸. Statutes, 4th Hen. VI. c. 5.

commodity so much, that the English farmers were in danger of being ruined. To prevent this it was enacted, " That when the quarter of wheat did not exceed the price of 6 s. 8 d. rye 4 s. and barley 3 s. no person should import any of these three kinds of grain, upon forfeiture " thereof." ³⁹

Imports.

The curious pamphlet called the *Prologue of English Policy*, already quoted, gives a distinct account of the commodities imported into England by the merchants of different countries, or carried by them to the great emporium of Bruges in Flanders, and from thence imported by English merchants: and as it was written near the middle of this period, by one who was well acquainted with the subject, it is worthy of credit. According to that author, the commodities of Spain were figs, raisins, wine, oils, soap, dates, liquorice, wax, iron, wool, wadmote, goatfell, redfell, saffron, and quicksilver⁴⁰.—Those of Portugal were nearly the same⁴¹.—Those of Britanny were wine, salt, creft-cloth or linen and canvas⁴².—Those of Germany, Prussia, &c. or the merchants of the steel-yard, were besides corn, iron, steel, copper, osmond, bowstaves, boards, wax, pitch, tar, flax, hemp, peltrey, thread, fustian, buckram, canvas, and wool-cards⁴³.—Those of Genoa, were gold, cloth of gold, filk, cotton, oil, black pepper, rock-alum, and woad⁴⁴.—Those of Ve-

³⁹ Statutes, 3d Edw. IV. c. 2.

⁴⁰ Prologue of English Policy, c. 1.

⁴² Id. c. 3.

⁴³ Id. c. 5.

⁴¹ Id. c. 2.

⁴⁴ Id. c. 6.

nice,

nice, Florence, and other Italian states, were all kinds of spices and grocery wares, sweet wines, sugar, drugs, with (as that author adds),

Apes, and japes, and marmuts tayled,
And nisis and trifis that little have avayled.⁴⁵

As several manufactures were introduced into England in the course of this period, laws were made, towards the end of it, against importing any of the articles furnished by these manufactures. Upon a petition to the house of commons, A.D. 1483., from the manufacturers of London and other towns, representing the great damage they sustained by the importation of the articles which they manufactured, an act was made against the importation of "girdles, harneys wrought for
" girdles, points, leather-laces, purfes, pouches,
" pins, gloves, knives, hangers, taylors shears,
" scissars, and irons, cup-boards, tongs, fireforks,
" gridirons, stock-locks, keys, hinges, and gar-
" nets, spurs, painted glasses, painted papers,
" painted forcers, painted images, painted cloths,
" beaten gold and beaten silver wrought in pa-
" pers for painters, faddles, faddle-trees, horse-
" harneys, boots, bits, stirrups, buckler-chains,
" latten-nails with iron shanks, turners, hanging-
" candlesticks, holy-water-stops, chaffing dishes,
" hanging-leavers, curtain-rings, wool-cards,
" roan-cards, buckles for shoes, shears, broaches
" for spits, bells, hawks-bells, tin, and leaden
" spoons, wire of flatten and iron, iron-candlesticks,

Prohibited goods.

⁴⁵ Prologue of English Policy, c. 7.

" grates,

"grates, and horns for lanthorns, or any other things made by the petitioners, on pain of forfeiture."⁴⁶

Staple towns.

Foreign trade was not carried on exactly in the same manner in those times as it is at present. Merchants did not ordinarily carry their goods to the ports where they were to be finally disposed of and used, but to certain emporia called staple towns, where they met with customers from the countries where their goods were wanted, and with the commodities they wished to purchase for importation. This seems to have been owing to the imperfect state of navigation, which made long voyages tedious, and to the abounding of pirates, which made them dangerous. Merchants, therefore, of distant countries divided the fatigue and danger, and met each other half-way. This was attended with another advantage, that they were sure of finding a more complete assortment of goods for their purpose at those staple towns, than they could have found at any other place. Bruges in Flanders was the great emporium of Europe in this period, to which merchants of the south and north conveyed their goods for sale; and so great was their resort to it from the Mediterranean and the Baltic, that 150 ships were seen, A.D. 1486., to arrive at its harbour of Sluyce in one day.⁴⁷

Fairs.

The great fairs in Brabant were also frequented by merchants from England, Spain, France, Italy,

⁴⁶ Statutes, ad Richard III. c. 12.

⁴⁷ Anderson, vol. I. p. 264. 284.

Germany,

Germany, Scotland, and Ireland; and a great variety of goods were brought to them from all the neighbouring countries. But the English, it is said, bought and sold more at these fairs than all the other nations :

— Her marts ben feble shame, to say,
But Englishmen thider dress their way.⁴⁸

Fishing, as a source of wealth and commerce, *Fisheries.* was not neglected by the English in this period; particularly for cod and stock-fish on the coasts of Iceland, and for herrings on their own coasts. The merchants of Bristol and some other towns sent several vessels annually to Iceland, in opposition to the frequent complaints of the kings of Denmark, and prohibitions of their own sovereigns), to procure stock-fish, which were then much used in victualling ships for long voyages.⁴⁹

Of Iceland to write is little nede
Save of stock-fish; yet forsooth indeed,
Out of Britow and cosites, many one
Men have practised by needle and by stone,
Thiderwardes within a little while.⁵⁰

The herring-fishery on the coast of Norfolk was an object of great importance in the fourteenth century, and rendered the towns on that coast rich and flourishing; and the herring fair at Yarmouth was of so much consequence, that it was

⁴⁸ Prologue of English Poetry, apud Hakluyt, p. 197.

⁴⁹ Id. p. 201. Anderson, vol. I. p. 271. 286. 296.

⁵⁰ Hakluyt, p. 201.

regulated by several statutes⁵¹. The consumption of herrings still continuing to be immensely great in all the nations of Europe, the English herring-fishery was still carried on with vigour and success.

Rich merchants.

Some very wealthy merchants flourished in this period in Italy, France, and England. The family of Medici at Florence was the most opulent and illustrious mercantile family that ever existed in Europe. When Cosmo de Medici was only a private merchant and citizen of Florence, he expended four millions of gold florins in building churches and palaces in that city and its environs, and one million in charitable foundations for the support of the poor⁵². Jaque Le Cœur was the greatest merchant that ever France produced, and had alone more trade and more riches than all the other merchants of that kingdom; and by his trade and riches contributed greatly to save his country. It was this extraordinary man who furnished Charles VII. with money to pay and support those armies with which he recovered his provinces from the English⁵³. John Norbury, John Hende, Richard Whittington, and several other merchants in London, appear to have been rich, from the great sums they occasionally lent their sovereign, and the great works they erected for the use and ornament of the city⁵⁴. But William Canning, who was five times mayor of Bristol, and a great benefactor to

⁵¹ Statutes, Edw. III. an. 31. 35.

⁵² Anderson, an. 1480.

⁵³ Id. an. 1449. Villé and Villaret, tom. 15.

⁵⁴ Rym. Feod. t. 1. p. 488.

that

that city, seems to have been the greatest English merchant of this period. Edward IV. took from him at once (for some misdemeanour in trade) 2470 tons of shipping; amongst which there was one ship of 900 tons, one of 500, and one of 400, the rest being smaller⁵⁵. We are not informed what Mr. Canning's misdemeanour was; but it is most probable that there was nothing dishonourable in it, as the above anecdote is inscribed upon his tomb.

From this brief account of the trade of England in this period, it plainly appears that it was not inconsiderable; and it is probable it was not unprofitable, but the contrary. We have no means, however, of discovering with certainty to which side the balance inclined, or the exact value of that balance; but we have reason to think, in general, that it was in favour of England, and that it was very valuable. It appears from an authentic record, that about the middle of the fourteenth century, the balance of trade in one year (1354.) in favour of England, was no less than 294,184l. of the money of those times; and we know with certainty, that some articles of export, particularly the great article of woollen cloth, had very much increased in the present period⁵⁶. The incessant exhausting drain of money from England to the court of Rome still continued. Henry V., after squeezing every shilling he could from his subjects, anticipated his revenues, pawned his crown and jewels, and

Trade pro-
fitable.

⁵⁵ Anderson, vol. I. p. 271.

⁵⁶ See vol. 8. book. 4. ch. 6.
carried

carried an immense mass of treasure out of England in his attempts to conquer France. Henry VI. expended as much in losing as his father had done in gaining these foreign conquests ; and I know of no other means by which these treasures could be replaced, but by the profits of manufactures and of commerce. In a word, it seems to be highly probable, that while the kings of England, in this period, were dissipating the riches of their dominions, by their defeats and victories, manufacturers and merchants were restoring them, by the silent operations of art and trade.

Trade of
Scotland.

In the beginning of this period, during the captivity of James I., Scotland was in such an unsettled, distract ed state, that its commerce could not flourish. There is, however, sufficient evidence, that, even in those happy times, it was not destitute of trade and shipping, of which it sustained a very great loss A.D. 1410. Sir Robert Umfreville, an English admiral, with a fleet of ten stout ships, sailed up the frith of Forth, as far as Blackness, where he took fourteen vessels, burnt several others, and amongst them a large one, called the *Grand Galliot of Scotland*⁵⁷. In this expedition, Sir Robert, it is said, brought home so great a quantity of corn, that the price of it was reduced in the markets of England, which procured him the name of *Robert Mend-market*⁵⁸. John Duke of Brabant granted, by his letters-patent, various privileges, A.D. 1407., to the mer-

⁵⁷ Hall, fol. 26. Stow, p. 338.

⁵⁸ Id. ibid.

chants

chants of Scotland who came into his dominions on account of trade.⁵²

When King James I. returned from his long James I. captivity into his native kingdom, A.D. 1424., he applied with great ardour to promote the prosperity of his subjects, and particularly their commerce, as is evident from his laws. He procured several acts of parliament for an uniformity of weights and measures, of all kinds, in all parts of the kingdom, with very particular directions for making and keeping of the standards, and fixing what goods were to be sold by weight, and what by measure ; which (if they were executed) must have greatly facilitated both foreign and internal trade⁵³. This wise prince earnestly desired to restore the coin of Scotland to the same weight and fineness with that of England, and obtained an act of parliament to that purpose⁵⁴. But he never was able to carry that act into execution; though he endeavoured, by various methods, to procure bullion for that end. With this view, he prevailed upon the same parliament to grant him all the silver in all the mines in which a pound of lead yielded three halfpence of silver⁵⁵. By another law, all merchants were obliged to bring home a certain quantity of bullion, in proportion to the value of the goods they exported⁵⁶. A duty of 40 per cent. was laid by several acts, on gold and

⁵² Maitland's Hist. Edinburgh, p. 384.

⁵³ Black Acts, James I. ch. 63, 64, 65. 79, 80.

⁵⁴ Id. ch. 25.

⁵⁵ Id. ch. 160.

⁵⁶ Id. ch. 14.

silver coins exported ; and at last, in imitation of England, the exportation of these precious metals, coined or uncoined, was prohibited[“]. I will not affirm, that these laws were or could be effectual ; but they plainly discover that it was the intention of this prince to promote trade, and to make it lucrative to his kingdom, by increasing its stock of gold and silver. Several other laws of this excellent king, that were made with the same intention, might be mentioned ; such as,—those for ascertaining the rate of customs on all exports and imports,—for securing the effects of traders who died abroad,—for permitting his merchants to freight foreign ships, when they could not procure any of their own country,—for regulating fairs and markets, and delivering those who frequented them from various vexations, &c. &c.[“]

James II. James II. was not wholly inattentive to trade. He renewed the laws that had been made by his father for the uniformity of weights and measures, and for regulating fairs and markets[“]. But as most of the mercantile regulations of this prince relate to the coin, they will be considered in another place.

James III. Many commercial laws were made in the reign of James III. ; but some of them discover no great wisdom or knowledge of the subject, in the law-makers. They renewed all the former acts for the

[“] Black Acts, James I., ch. 55. 166.

[“] See Acts of James II., *passim*.

[“] Acts James II., ch. 66. 82.

importation of bullion, and against the exportation of coin, again and again with severer and severer penalties, and were much surprised to find that money was still scarce. This they imputed to the negligence of the officers who were appointed to put those acts in execution; never reflecting that if the value of the goods exported was less than of the goods imported, ten thousand laws, and the greatest vigilance in their execution, could not prevent the exportation of money to pay the balance⁶⁷. It is difficult to discover with what view several laws were made for restraining craftsmen, or such as were not burgesses, or had not a certain quantity of goods; from engaging in foreign trade; but these restraints were certainly imprudent, and were probably procured by the influence of the richer merchants⁶⁸. An embargo was laid by law on all the shipping of Scotland, from St. Simon's and St. Jude's day (October 28) to Candlemas, as sailing was thought to be peculiarly dangerous at that season⁶⁹. The staple for the merchants of Scotland was removed by an act of parliament, A. D. 1466., from Bruges in Flanders, first to Middleburg, and soon after to Campvere in Zealand, where it still remains⁷⁰. It appears from another act of the same parliament, that it was not uncommon for the prelates, lords, and barons of Scotland to export the

⁶⁷ Acts James III., ch. 10, 11. 27. 63. 80.

⁶⁸ Id. ch. 15, 16.

⁶⁹ Id. ch. 19, 20.

⁷⁰ Id. ch. 18.

produce of their own lands, and import such goods as they thought proper for the use of their families.⁷¹

Exports
and im-
ports.

It would be difficult, and is unnecessary, to give a complete enumeration of all the exports and imports of Scotland in this period, as they were both very numerous, but many of them not very valuable. The chief articles exported were, wool, wool-fells, woollen cloth, leather, salted hides, skins of metricks, harts, hinds, does, roes, tod, fowmats, cunnies, and otters, barrelled and red herrings, salmon, black cattle, horses, and sheep. That all these articles were exported, we have the evidence of acts of parliament ascertaining the customs to be paid on their exportation⁷². Tallow was also exported, except at particular times, when its exportation was prohibited⁷³. The articles imported were still more numerous, and consisted of silks and fine cloths; but these in no great quantities, as the use of them was confined by law to a few persons of high rank; wines; groceries; hardware; armour, and arms; furniture and implements of husbandry⁷⁴. But so low was the state of agriculture, as well as of the other arts, in Scotland, in those unhappy times, that corn was one of the greatest articles of importation. This appears from several acts of parliament, and particularly from

⁷¹ Acts James III, ch. x4.

⁷² Black Acts, James I, ch. 23, 24, 44, 86, &c.

⁷³ Id. ch. 35.

⁷⁴ Id. ch. 52. Prologue of English Policy, ch. 4.

the

the following preamble to one, A.D. 1477.—
 “ Because victuals (corns) ar ryght schant within
 “ the countrie, the maist supportation that this
 “ realme hes, is be strangers of divers uther na-
 “ tions that brings victual.”⁷⁵

The Scots, in this period, seem to have been *Fisheries.*
 sensible of the importance of the fisheries on
 their coasts and in their rivers, and desirous of
 availing themselves of that advantage, both for
 home-consumpt and for exportation. By an act
 of parliament, A.D. 1471., it is statute and or-
 dained, “ That the lords spiritual and temporal,
 “ and buowes, gar mak greit schippis, busches,
 “ and uther greit pinkboiltis, with nettis and
 “ abelzements for fitching, for the commun
 “ gude of the realme, and the great entres of
 “ ryches, to be brought within the realme, of
 “ uther countries⁷⁶. ” They discovered their
 anxiety for preserving the fry of red fish, and for
 preventing the killing salmon at improper sea-
 sons, by many laws; and the value they set on
 that fish, by ordaining, that none of them should
 be sold to Englishmen, but for immediate pay-
 ment in gold or silver; or to Frenchmen, but for
 gold, silver, or claret wine.⁷⁷

It is impossible to discover whether the balance
 of trade was in favour of Scotland or not, in this
 period. It is probable the balance on either side
 was not very great, as that country doth not

Balance
of trade.

⁷⁵ Acts James III., ch. 81.

⁷⁶ Id. ch. 60.

⁷⁷ Acts James I., ch. 12. 145. 163. James II., ch. 8. 86. James III., ch. 45. 82.

appear to have been either remarkably enriched or impoverished. But even such a commerce is not unprofitable, as it procures many accommodations, conveniencies, and comforts, which could not otherwise be obtained.

Money.

As money or coins have long been the great medium of commerce, and the common measure of the value of all other commodities; and as the acquisition of them hath been the great object of particular merchants, and of trading nations, they are well entitled to a place in the commercial history of every period. Without a competent knowledge of coins in every age, of their weight and fineness, and of their comparative value, with respect to other commodities, and to the coins of our own times, we can form no just conceptions of the price of labour, the rate of living, the prosperity and wealth of nations, and many other important facts in history. We are apt, for example, to be surprised to hear, that the wages of common labourers, in the fifteenth century, were only three-halfpence a-day, and to imagine that these poor labourers must have lived in a very wretched manner; but when we are told, that those three halfpence contained as much silver as three-pence, and would purchase as many of the necessaries of life as fifteen pence of our money will do at present, our surprise and pity are at an end.

**Weight
of coins.**

It hath been already observed, that anciently the English nominal pound in coin contained a real Tower pound of silver, weighing 5400 grains Troy; that of this pound of silver were coined

coined 240 pennies (the largest coins then in use), weighing each 22½ Troy grains; and that the money of England continued on the same footing from the Conquest till near the middle of the fourteenth century, when Edward III. made an alteration ²⁸. That prince, A.D. 1346., coined 270 pennies, weighing each only 20 Troy grains, instead of 22½, out of a Tower pound of silver: by which the value of the nominal pound was reduced from 60 of our shillings to 51s. 8d. That same prince made another change in his money, A.D. 1351., by coining groats that weighed only 72 grains, instead of 90 (the original weight of four pennies), by which the nominal pound was brought down to 46s. 6d. of our present money; at which it continued till after the beginning of the period we are now delineating.²⁹

By an act of parliament, 13th Henry IV., *Continued.*
A.D. 1412., it was directed, “That by reason
“of the great scarcity of money in the realm
“of England, the pound Tower should, from
“the feast of Easter following, be coined into
“thirty shillings by tale³⁰.³¹” A strange im-
agination, that diminishing the value of the
nominal pound would make money more plen-
tiful! and yet it was on this groundless fancy
that all the above and subsequent changes
were made. By this last regulation, the value
or quantity of silver in the nominal pound was

²⁸ See vol. 6. p. 294, 295.

²⁹ Statutes, 13th Hen. IV.

³⁰ See vol. 2. ch. 6.

reduced to 38s. gd. of our money ; and on that footing the coin of England continued more than half a century, during the reigns of Henry V. and Henry VI.¹¹

Edward IV.

Edward IV., A.D. 1464., by coining 37s. 6d. by tale out of the Tower pound of silver, brought down his groats (the largest coin then in use) to 48 Troy grains, and the intrinsic value of the nominal pound to 31s. of our money ; and thus it remained till long after the conclusion of the present period.

Inconveniences.

These successive changes in the value or quantity of silver, in the nominal pound of coin, which could add nothing to the real riches of the kingdom, were productive of many inconveniences. Every change deceived the people for some time to their loss ; and occasioned great confusion in the payment of debts, rents, annuities, and in all mercantile and money transactions.

Gold coin.

The only gold coins that were struck in England in the greatest part of this period, in the reigns of Henry IV., Henry V., and Henry VI., were nobles, with their halves and quarters. The first nobles of Henry IV. weighed 120 grains, and their value was 21s. 1½d., the same weight and value with those of his predecessor Richard II. But in the last year of his reign, the noble was reduced to 108 grains, value 19s. ; and on that footing it continued during

¹¹ Martin Folkes on the Silver Coins of England, p. 13, 14.

¹² Id. on Gold Coins, p. 4.

the

the two succeeding reigns⁸³. The gold noble was of 23 carats $3\frac{1}{2}$ grains fine, and $\frac{1}{2}$ grain in alloy, and was much admired, both at home and abroad, for its purity and beauty.

Edward IV., A.D. 1466., struck gold coins, *Continued.* called *angels*, from the figure of an angel on the reverse; and their halves, called *angelets*. The angel weighed 80 grains, passed for 6s. 8d. of the silver money of those times, and was worth 14s. 1d. of our present money.⁸⁴

In the preceding period, it hath been observed that the coins of Scotland were originally the same with those of England, and so continued till about the middle of the fourteenth century, when they fell a little below the English coins, both in weight and purity⁸⁵. This difference between the coins of the two British kingdoms gradually increased; and at the beginning of our present period, those of Scotland were only about half the value of those of England of the same denomination. But this difference was then only in weight, because the Scottish coins had been restored to their former fineness.⁸⁶

James I. on his return to Scotland, A.D. 1424., *James I.* being convinced that this difference between the coins of the two kingdoms was a great interruption to trade, procured an act of parliament, empowering him “to mend his money, and garnish it like wicht and fynes to the money

⁸³ Folkes on Gold Coins.

⁸⁴ See vol. 8. ch. 6.

⁸⁵ Ruddimanni Praefat. ad Anderoni Diplom. Scot.

“ of

"of England". But the disorders and distresses of his kingdom prevented the execution of that wise law; and the coins of Scotland gradually sunk more and more below the value of those of England of the same denomination. Materials are not wanting to trace the gradual decrease of the Scottish coins, step by step; but such a minute detail would be tedious and uninteresting. It will be sufficient to remark, that at the end of this period, they were little more than one-fourth of the weight and value of the coins that were called by the same names in England.²⁷

Inconveniency.

Though our kings and great barons were the chief promoters of the diminution of the weight and value of the coin, they were by far the greatest sufferers by that imprudent measure. For by that means all the fixed annual payments that were due to them from their subjects and vassals, were much diminished in their real value, though they continued the same in name. They received the same number of pounds that had been originally stipulated; but these pounds did not contain the same quantity of silver, and would not purchase the same quantity of goods with those in the original stipulation. The King and nobility discovered the error they had committed and the loss they had sustained, and endeavoured to apply a remedy; but it was not the natural and only effectual one, of

²⁶ Black Act James I., act 25.

²⁷ Id. James II., act 72.; James III., act 22. 26. 52. 63. 83. &c. 108. 114.

restoring the coin to its original weight and purity, An act of parliament was made, A. D. 1467., to the following purpose: "Because our soverane lord, and his thre estatis, confidderis and understandis, that his hienes, and the hail realme in ilk estate, is greitly hurt and skaiteth in the changeing and heying the course of the money, baith in debts paying, and contracts, bygane annuallis, wedfettis, and lands set for lang termis, customis, and procurafeis of prelatis, and all other dettes; it is provydit, by our soverane lord and his thre estatis in this present parliament, That baith the creditour and the dettour, the byar and the sellar, the borrower and the lennar, the lord and the tennant, spirituall and temporall, be observit to the desyre and the intentis of thame that war in the tyme of making the contractis, and payment to be maid in the famen substance that was intendit at the tyme of the making of the contractis." This law was certainly very equitable; but it is obvious, that the execution of it would be attended with many difficulties, and productive of many disputes; and that it would be no easy matter to persuade vassals, tenants, and debtors of all kinds, to pay a greater number of pounds, shillings, and pence, than they were bound to pay by their original obligations. There is sufficient evidence still remaining, that though several laws were made of the same tenor with that above, none of them could be executed;

" Black Acts, James III., act 23.

and that the several feudal payments due by the vassals of the King and barons, by the successive changes of the coin, and of the value of money, dwindled down to less than the hundredth part of what was originally intended, and in many cases to a mere trifle. The relief, for example, paid to the crown by the ancient barons of Panmore, was originally 122*l.* containing as much silver as 366*l.* of our present English money; and as 4,392*l.* of our present Scotch money, equivalent in efficacy to 1,830*l.* English, and to 21,960*l.* Scotch. This was a valuable payment, and was probably one year's rent of the estate. Edward I., when he was in possession of Scotland, remitted to William de Maul, baron of Panmore, 8*l.* of his own relief, and of his heirs, to gain him to his interest. From thence the relief paid by the heirs of that noble family was 4*l.*, containing originally as much silver as 120*l.* English, and as 1,440*l.* Scotch, equivalent in value to 600*l.* English, and to 7,200*l.* Scotch money. But by many successive diminutions of the nominal money-pound in Scotland, that payment, originally so considerable, was reduced to the trifling sum of 3*l.* 6*s.* 8*d.* of our present English money.⁸⁹

Gold coin.

Gold was coined in Scotland by Robert II. soon after it began to be coined in England by Edward III.; and the gold coins of both kingdoms were the same in weight and fineness to the end of

⁸⁹ See Ruddiman's Pref. to Anderson's Diplom. Scot. *fol. 61.*

this period ²⁰. But the reader will form a more distinct idea of the gold coin of those times, and of the comparative value of gold and silver, by inspecting the following table, than can be given him in many words.

A.D.	A. Regni.	Fineness.	Alloy.	Value of coins out of a pound of gold.	Weight of silver for a pound of gold.
		oz. pw. gr.	pw. gr.	L. s. d.	lib. oz. pw. gr.
1371, &c.	Robert II.	xx 18 18	x	6 17 12 0	xx 1 17 22
1390, &c.	Robert III.	xx 18 18	x	6 19 4 0	xx 1 17 22
1424.	James I.	19	xx 18 18	6 22 10 0	xx 1 17 22
1451.	James II.	15	xx 18 18	6 33 6 8	9 8 4 14
1456.	—	20	xx 18 18	6 50 0 0	9 8 4 14
1475.	James III.	16	xx 18 18	6 78 15 0	10 2 0 20
1484.	—	24	xx 18 18	6 78 15 0	10 5 7 9

From the above table, constructed from authentic monuments, the following facts appear—that the gold coined in Scotland was of sufficient fineness—that the nominal money pound contained above four times more silver, A.D. 1390., than it did in A.D. 1475 : a prodigious change in so short a time! — and that the value of gold compared to silver was about one-third less than it is at present: and so it continued, till after the discovery of the silver mines in South America ; from which immense quantities of that metal have been imported into Europe.

²⁰ Black Act, James III., act 108. A.D. 1483.

Copper
money.

In the first parliament of James III. A. D. 1466, an act was made for coining copper money, “for the use and sustentation of the king’s liegi, and for almosus deid to be done to pure folk.” An exact description is given in the act, of the form of these copper coins, of which four were to pass for one penny. By the same act, a coinage, of three hundred pound weight, of a different kind of copper-money, with a mixture of silver in it, was appointed. This was called *black money*, from its colour, as the mixture of silver in it was very small, probably not greater than the mixture of copper in the white money, hardly one ounce in the pound¹². King James was afterwards cruelly calumniated for coining this black money, and the minds of the common people inflamed against him on that account, by the Earl of Angus and his party, though they perfectly well knew, that it had been coined in consequence of an act of parliament, when the King was in his childhood, and had no concern in the matter. So little regard hath faction to truth, and so easily are the minds of the people misled!

Rate of
living.

It would require a long and very tedious induction of particulars, to ascertain the exact difference between the rate of living at present and in the period we are now examining. I have investigated this matter with all the attention of which I am capable; and I am persuaded, that, to the lower and middle ranks of the people, living was, in that period, nominally ten times, and really

¹² Black Act, James III., sc. 12.

five times cheaper than it is at present, to persons of the same rank. To understand the distinction between the nominal and real difference in the rate of living, we have only to reflect, 1st, That one nominal money-pound, in the fifteenth century, contained as much silver as two nominal pounds contain at present; and therefore a person who had then an income of 10 l. a-year had as much silver to expend as one who hath now an income of 20 l. a-year; and, adly, That the same quantity of silver, suppose a pound weight, would then have purchased as many of the necessaries of life as five times that quantity, or five-pound weight of silver, will purchase at present: for these two reasons, one who had a free annual income of ten nominal money-pounds in the fifteenth century, was as rich and could live as well, as one who hath an income of ten times as many money-pounds, or of 100 l. at present; though in reality, any given weight of coins had then only five times the value and efficacy that the same weight of coins, of equal purity, have in our times.

That the above account of the nominal difference in the rate of living, and the real difference in the value of money, is not far from the truth, many proofs might be produced; of which, to avoid prolixity, I shall mention only two or three. As grain of different kinds, and animal food, are the chief means of supporting human life, their prices claim particular attention in forming a judgment of the expence of living.

The

The average price of a quarter of wheat, in that part of the fifteenth century which is the subject of this book (except in a few years of famine), appears to have been about 5 s. which multiplied by ten, produces 50 s. which is not esteemed a very high price at present. When wheat was 6 s. 8 d. per quarter, a famine was dreaded, and the ports were opened for importation. All other kinds of grain were cheaper in proportion to wheat than they are at present⁹². Animal food of all kinds was still cheaper than grain. The price of an ordinary, probably a small cow, was 7 s. equivalent to 3 l. 10 s. od.—of a calf, 1 s. 8 d. equivalent to 16 s. 8 d.—of an ox, 13 s. 4 d. equivalent to 6 l. 13 s. 4 d.—of a sheep, 2 s. 5 d. equivalent to 1 l. 4 s. 2 d.—of a hog, 2 s. equivalent to 1 l.—of a goose, 3 d. equivalent to 2 s. 6 d. &c.⁹³ Liquors were fully as cheap as either bread-corn or butcher meat, or rather cheaper. Claret cost only 1 s. a gallon, equivalent to 10 s. and ale only 1½ d. equivalent to 1 s. 3 d.⁹⁴ It was established by law, 2d Henry V. A.D. 1414., “That no yearly chaplain within the realm shall take, from henceforth, more for his whole wages by the year (that is to say, for his board, apparel, and other necessaries), but seven marks, or 4 l. 13 s. 4 d. equivalent to 46 l. 13 s. 4 d.⁹⁵” a sum which is barely sufficient (if it is sufficient) to support a single clergyman in board, lodgings, apparel, and every thing else, in a manner suitable to his character. By the same statute it is or-

⁹² See Chronicron Preciosum, p. 98—112.

⁹³ Id. ibid.

⁹⁴ Id. ibid.

⁹⁵ Statutes, ad Henry V. stat. 2. c. 2.

dained

dained, “ That parish-priests which be, or shall be retained to serve cures, shall take, from henceforth, for their whole wages, by the year, but 8 marks, or 5l. 6s. 8d.”⁹⁶; which, being multiplied by ten, yields 53l. 6s. 8d.; a sum certainly not too great for the decent support of a parish-priest at present: and we cannot suppose that the parliament of England would have fixed the highest stipend to be given to a curate at 8 marks, if that sum had not been then sufficient for his decent support. Sir John Fortescue Chief Justice of the King’s Bench, and afterwards Chancellor to Henry VI., wrote his book on the Difference between an absolute and limited Monarchy, towards the end of this period; and in that work he says, in plain terms, “ that five pounds in a year was a fair living for a yeoman;” which, I believe, can hardly be said of fifty pounds a-year in our times⁹⁷. In a word, it seems to be abundantly evident, that inferior clergymen, yeomen, respectable tradesmen, and others in the middle ranks of life, could have lived as plentifully, in the fifteenth century on an income of 5l. a-year, of the money of that age, as those of the same rank can live on ten times that nominal, or fivetimes that real income, that is, on 50l. a-year at present⁹⁸. The precious

⁹⁶ Statutes, 2d Henry V. stat. 2. c. 2.

⁹⁷ Fortescue on the Difference between an absolute and limited Monarchy, p. 133.

⁹⁸ I confess Bishop Fleetwood, in his Chronicon Preciosum, makes the difference in the rate of living only as fix to one. But that learned and good prelate, writing on a case of conscience, intentionally kept within bounds. He wrote also in the beginning of this century, when living was cheaper than it is at present.

metals of gold and silver have indeed greatly increased in Britain since those times; but we must not therefore imagine, that we are so much richer than our ancestors; because as these metals increased in quantity, they decreased in value and efficacy.

Shipping.

The state of shipping in Britain seems to have been nearly the same in this, that it had been in the former period. Commerce was not much extended and a great part of it was still carried on by foreign merchants in foreign bottoms; which retarded the increase both of ships and sailors. Some attempts were made to build ships of greater burden than had been formerly in use, in imitation of the carracks of Venice and Genoa, which were often seen in British harbours. But these attempts were probably very few, as they are mentioned by our historians with expressions of admiration, and those who made them obtained both honours and immunities. James Kennedy, the patriotic Bishop of St. Andrew's, is as much celebrated for building a ship of uncommon magnitude, called the *Bishop's Berge*, as for building and endowing a college⁹⁹. John Taverner of Hull, obtained various privileges and immunities from Henry VI. A.D. 1449., "because he had built a ship as large as a great carrack"¹⁰⁰: a sufficient proof that few such ships were then built in England.

In the subsequent periods of this work, the increase of the commerce of Great Britain, particularly of England, will be more conspicuous, and merit a more extended delineation.

" Pitcottie. Hawthornden.

¹⁰⁰ Rym. Fed. tom. ii. p. 258.

THE
HISTORY
OF
GREAT BRITAIN.

BOOK V.

CHAP. VII.

History of the Manners, Virtues, Vices, remarkable Customs, Language, Dress, Diet, and Diversions, of the People of Great Britain, from the accession of Henry IV. A.D. 1399., to the accession of Henry VII. A.D. 1485.

WHEN a country is conquered by a foreign power, and receives new masters, and an inundation of new inhabitants from a distant region, a great and sudden change of manners, &c. is commonly produced, by the introduction of those of the conquerors, in the place of those of the ancient inhabitants; or by an intermixture of slow change of manners.

both. Such were the great and striking revolutions in the manners, customs, and circumstances of the people of Britain, introduced by the successive conquests and settlements of the Romans, Saxons, Danes, and Normans, in this island, which have been already delineated in their proper places. But when a country continues to be inhabited by the same people, living under the same government, professing the same religion, and speaking the same language as the people of Britain did in this period, the changes in their manners, customs, virtues, vices, language, dress, diet, and diversions, are slow, and almost imperceptible. These changes however, like the motion of the shadow on the sun-dial, are real, and in process of time become conspicuous. If the heroic Henry V. were now to arise from the dead, and appear in the streets of London, mounted on his war-horse and clothed in complete armour, what astonishment would he excite in the admiring multitude! How much would he be surprised at every object around him! If he were conducted to St. Paul's, he would neither know the church nor understand the service. In a word, he would believe himself to be in a city and among a people he had never seen. It cannot therefore be improper to trace, in every period, those gradual, and almost insensible changes, in our manners, language, and dress, &c. which have at length transformed us into a people so totally different from our ancestors; and to point out the causes of these changes, and the degrees of happiness or distress which they produced.

No very material alteration in the ranks and orders of men in society took place in this period; but there seems to have been a considerable change in the comparative importance and influence of the people in these several ranks. The distinction between the nobility and gentry of England was now fully established, in consequence of the division of the parliament into two houses; and the former enjoyed several privileges to which the latter had no claim. The parliament of Scotland still continued to meet in one house; and the nobility hardly enjoyed any peculiar advantages, except their titles and mere precedence, besides those they derived from the greatness of their fortunes and number of their followers¹. The citizens and burgesses in both kingdoms were more respected, or rather, not so much despised, as they had been formerly; and even the common people were treated with greater lenity, as their haughty lords often stood in need of their assistance in the field of battle.

The most remarkable change in all ranks of men in this period, was a great diminution of the numbers of the people in every rank (except that of beggars), by the devastation and depopulation of the country. This depopulation was occasioned by the three greatest scourges to which mankind

Alterations
in rank.

Depopula-
tion under
Henry IV.

¹ In the original records of parliament, the ecclesiastical peers are always placed first, the dukes and earls next, but the names of lords and gentlemen are intermixed; and several gentlemen, who were not lords of parliament, have *dominus* prefixed to their names. In a word, the distinction between lords and lairds in those times was very inconsiderable. The wives of lairds were constantly called ladies.

are exposed, famine, pestilence, and war; but chiefly by the last. Famine was most fatal to those in the lower walks of life; war was most destructive to those of higher rank, in proportion to their number; the pestilence made no distinction.

Depopula-
tion in the
reign of
Henry V.

To say nothing of the great numbers of brave men who fell in the foreign and civil wars in the reign of Henry IV., what prodigious multitudes perished in the French wars, in the reigns of Henry V. and Henry VI., which continued about thirty years, and were uncommonly destructive! The English nobility and gentry engaged in those wars with the greatest ardour, in hopes of obtaining splendid settlements on the continent. But instead of gaining fortunes, so many of them lost their lives, that in the last year of the victorious Henry V. there was not a sufficient number of gentlemen left in England to carry on the business of civil government. This is evident from the following statute, made in that year :
“ Whereas, by an act made in the 14th of Ed-
ward III., it was statute and ordained, That
“ no sheriff or escheator should remain above one
“ year in his office, because there was then a suffi-
“ cient number of gentlemen in every county of
“ England, well qualified to fill these offices to the
“ satisfaction both of the King and his subjects :
“ And whereas, by diverse pestilences within
“ the kingdom, and by foreign wars, there is
“ not a sufficiency at present of proper persons
“ to fill these offices : it is therefore enacted by
“ this parliament, That the King may appoint
“ sheriffs

" sheriffs and escheators to continue more than one year in their respective offices for four years, commencing at the next election of these officers." This act appears to have been made with much reluctance, and from mere necessity.

But if the victories of Henry V. were so fatal to the population of this country, the defeats and disasters of the succeeding reign were still more destructive. In the twenty-fifth year of this war, the instructions given to the Cardinal of Winchester, and other plenipotentiaries appointed to treat about a peace, authorised them to represent to those of France, "that there haan been moo men slayne in these wars for the title and claime of the coroune of France, of oon nation and other, than ben at this daye in both landys, and so much Christiene blode shede; that it is to grete a sorow and an orroure to thinke or here it."² But these and many other representations were in vain. The war continued several years longer; and before it ended, the two powerful kingdoms of France and England were so much exhausted, that, in some campaigns, they could hardly bring 10,000 men into the field on either side.

England was still further depopulated by the Edward IV. bloody contest between the houses of Lancaster and York which succeeded the French wars. This contest was peculiarly fatal to persons of rank

¹ Statutes, 9th Hen. 5. ch. 5.

² Rym. Fed. tom. 10. p. 724.

and power, and seemed to threaten that order of men with extirpation. If we may believe Philip de Comines, one of the most credible historians of those times, no fewer than sixty or eighty princes and nobles of the blood-royal of England lost their lives in this quarrel, either in battle or on the scaffold⁴. The same writer informs us, that Edward IV. told him one day in conversation, that in all the nine pitched battles he had gained he had fought on foot; and that as soon as the enemy began to fly, he mounted his horse, and cried to his men to spare the common people, and to kill their leaders⁵. At the battle of Towton, one of these nine, three earls and ten lords of the Lancastrian party, besides a prodigious number of knights, and gentlemen, were found dead on the field. At the first parliament of Edward IV., long before the conclusion of that fatal contest, the nobility of England confiscated only of one duke, four earls, one viscount, and twenty-nine barons; all the nobles of the Lancastrian party having been either killed in battles or on scaffolds, or had fled into foreign countries to save their lives.⁶

Scotland.

The same causes of depopulation produced the same effects in Scotland; and this depopulation was but too visible in both countries, by ruined villages, uncultivated fields, and decaying towns and cities⁷. Upon the whole, we have good reason to believe, that there were not 3,000,000, pro-

⁴ Philip de Comines, vol. I. p. 52. 1396.

⁵ Id. ibid.

⁶ Parliament. Hist. vol. 2. p. 312.

⁷ J. Roffii Hist. Angl. *pafim.*

bably not above 2,500,000 people of all ages in Britain, at the end of this period. It is no objection to this, that we hear of numerous armies transported to the continent, and appearing in the field in Britain; because all men from sixteen to sixty, the clergy not excepted, were every moment liable to be called into the field, and few dared to disobey the call.

The circumstances of the people of Britain, in this period, were far from being comfortable. The crown tottered on the heads of her princes, who were sometimes on a throne, sometimes in a prison, or in exile. Of the three kings who reigned in Scotland, one, after spending the best years of his life in captivity, perished by a violent death; the other two fell in war; and they were all cut off in the prime of their age. Many of the rich and great experienced the most deplorable reverses of fortune, and sunk into indigence and obscurity; and some of the most ancient and noble families, in both kingdoms, were ruined, and almost extirpated. The common people enjoyed few of the comforts, and sometimes wanted the necessaries, of life; and neither their persons nor properties were secure. It was indeed impossible that a people so much employed in destroying the inhabitants of other countries, or in tearing one another to pieces, could be happy. But all the distresses in which the people of Britain were then involved did not diminish their vices nor increase their virtues. Their manners in these respects seem to have been nearly the same in this as in the preceding

ceding period, and have been already described. It will be sufficient therefore, in this place, to mention a few particulars, which were either peculiar to the times we are now considering, or become more or less conspicuous.

Chivalry. Chivalry, one of the most remarkable peculiarities in the manners of the middle ages, flourished greatly in England in the fourteenth, but declined in the fifteenth century. Our kings and nobles were then so much engaged in real combats, that they could not pay equal attention to the representations of them in tilts and tournaments. The decline of chivalry is thus feelingly lamented by that simple person (as he often calls himself) Mr. William Caxton : “ O ye knyghtes “ of Englund ! where is the custome and usage “ of noble chyvalry that was used in tho days ? “ What do ye now but go to the baynes, and “ play at dyse ? And some not well advyfed, “ use not honest and good rule, again all ordre “ of knygthode . Leve this, leve it, and rede “ the noble volumes of St. Graal, of Lancelot, “ of Galaad, of Trystram, of Perse Forest, of “ Percyval, of Gawayn, and many mo ; ther shall “ ye see manhode, curtoysye, and gentylness.— I “ would demaunde a question, yf I shold not dif- “ please : How many knyghtes ben ther now in “ England, that have thuse and thexerceise of a “ knyghte ; that is to wite, that he knoweth his “ horse, and his horse him. I suppose, and “ a due ferche sholde be made, there sholde “ be many founden that lacke ; the more pyte “ is.— I wold it pleasyd our soverayne lord that “ twyfe

" twyse or thryfe a-yere, or as the leſt ones,
 " he wold do cry justis of pies, to thende, that
 " every knyght shold have hors and harneys, and
 " also the ſe and craft of a knyghte, and also to
 " tornoye one agaynſte one, or two agaynſt two,
 " and the beſt to have a prys, a diamond or jewel,
 " ſuch as shold please the prynce." ⁸

But though chivalry was now declining, it was still extifted. Henry V. of England, and James I. of Scotland, are highly extolled for their dexterity in tilting; and Richard Beauchamp, Earl of Warwick, was famous for the victories he obtained in thoſe knightly encounters, both at home and abroad⁹. Many of the firſt produc‐tions of the press were books of chivalry, and adventures of knights-errant¹⁰. We meet with a great number of royal protections granted by our kings to foreign princes, nobles, and knights, to come into England to perform feats of arms; and licences to their own ſubjects, to go into foreign countries for the ſame purpose¹¹. All coronations and royal marriages were attended with ſplendid tilts and tournaments, in which the young nobles, knights, and gentlemen, displayed their courage, strength, and dexterity in horfemanship, and the ſe of arms, in the preſence and for the honour of their ladies.

The moſt magnificent of theſe tournaments was A tourna‐ that performed by the baſtard of Burgundy and ment.

⁸ Ames's Typographical Antiquities, p. 41.

⁹ Strutt. vol. 2. Scoticron. lib. 16. c. 28.

¹⁰ Ames's Typographical Antiquities, p. 41.

¹¹ Vide Rym. Fed.

Anthony Lord Scales brother to the Queen of England, in Smithfield, A.D. 1467. The King and Queen of England spared no expence to do honour to so near a relation; and Philip Duke of Burgundy, the most magnificent prince of that age, was no less profuse in equipping his favourite son. Several months were spent in adjusting the preliminaries of this famous combat, and in performing all the pompous ceremonies prescribed by the laws of chivalry. Edward IV. granted a safe conduct, October 29, A.D. 1466., to the bastard of Burgundy, Earl of La Roche, with a thousand persons in his company, to come into England, to perform certain feats of arms with his dearly-beloved brother Anthony Widvile, Lord Scales and Nucelles¹². But so many punctilios were to be settled by the intervention of heralds, that the tournament did not take place till June 11., A.D. 1467. Strong lifts having been erected in Smithfield, 120 yards and 10 feet long, 80 yards and 10 feet broad, with fair and costly galleries all around, for the accommodation of the King and Queen, attended by the lords and ladies of the court, and a prodigious number of lords, knights, and ladies of England, France, Scotland, and other countries, in their richest dressses; the two champions entered the lifts and were conducted to their pavitions. There they underwent the usual searches, and answered the usual questions, and then advanced into the middle of the lifts. “The first day they ranne together

¹² Rym. Fed. tom. xx. p. 573.

“ with

" with sharp spears, and departed with equal honour. The next day they turneyed on horseback. The Lord Scales horse had on his chaffron a long sharp pike of steel; and as the two champions coaped together, the same horse thrast his pike into the nostrils of the bastard's horse; so that, for very pain, he mounted so high, that he fell on the one side with his master; and the Lord Scales rode about him with his sword drawn in his hand, till the King commanded the marshal to help up the bastard, who openly said, I cannot hold me by the clouds; for though my horse fail me, I will not fail my encounter-companion. But the King would not suffer them to do any more that day. The next morrow, the two noblemen came into the field on foot, with two polaxes, and fought valiantly; but at the last the point of the polaxe of the Lord Scales happened to enter into the sight of the bastard's helm, and by fine force might have plucked him on knees: but the King suddenly cast down his warder, and then the marshal severed them. The Bastard not content with this chance, required the King, of justice, that he might performe his enterprise. The Lord Scales refused not. But the King, calling to him the constable and the marshal, with the officers of arms, after consultation had, it was declared for a sentence definitive, by the Duke of Clarence, then constable of England", and

" the

" John Tiptoft, Earl of Worcester, and not the Duke of Clarence,
was

" the Duke of Norfolk, then marshal, that if he would go forward with his attempted challenge, he must, by the law of arms, be delivered to his adversary in the same state and like condition as he stood when he was taken from him. " The Bastard, hearing this judgment, doubted the sequel of the matter, and so relinquished his challenge." "⁴⁴

Bravery.

The bravery and martial ardour of both the British nations never appeared more conspicuous than in the present period, particularly in the reign of Henry V. The English under that heroic prince seemed to be invincible; and fought with so much courage and success, that, towards the end of his reign, they had a very probable prospect of making a complete conquest of the great and populous kingdom of France. The Scots were much admired for the steady intrepidity with which they defended themselves, and the seasonable and successful succours they sent to their ancient allies in their greatest distress, when they were on the brink of ruin, and forsaken by all the world.

Subject to change.

But national as well as personal courage is subject to sudden and surprising changes, which are sometimes produced by very trifling causes. There is not a more remarkable example of this in history than that extraordinary revolution in the spirits of the French and English armies, at the siege

was then constable. See Rym. Fœd. tom. II. p. 58x. Biographia Britannica. vol. 2. p. 1231. Note.

⁴⁴ Stow, p. 420.

of Orleans, A.D. 1428., which hath been already mentioned¹⁵. Before that period, the English fought like lions, and the French fled before them like sheep. But as soon as the Maid of Orleans, a poor obscure servant-girl, about seventeen years of age, appeared on the scene of action, the fortune of the war, and the spirits of the contending nations, were entirely changed. The French became bold and daring, the English dastardly and desponding. The terror of that dreaded heroine was not confined to the English army in France, but seized the great body of the people at home, and made many who had enlisted in the service, desert, and hide themselves in holes and corners. This appears from the proclamations issued in England, commanding the sheriffs of London, and of several counties, to apprehend those who had deserted and concealed themselves *for fear of the Maid*¹⁶. As it is imprudent to discover any distrust of national courage when war is necessary, it is no less imprudent to plunge a nation into a war, from too great a reliance on a quality that may fail when it is least expected.

The hospitality of our ancestors, particularly of the great and opulent barons, hath been much admired, and considered as a certain proof of the nobleness and generosity of their spirits. The fact is well attested. The castles of the powerful barons were capacious palaces, daily crowded

Hospitality
of the
great.

¹⁵ See vol. 9. p. 91, &c.

¹⁶ Rym. Fed. tom. 10. p. 459. 472.

with

with their numerous retainers, who were always welcome to their plentiful tables. They had their privy counsellors, their treasurers, marshals, constables, stewards, secretaries, chaplains, heralds, pursuivants, pages, henchmen or guards, trumpeters, minstrels, and, in a word, all the officers of the royal court¹⁷. The etiquette of their families was an exact copy of that of the royal household; and some of them lived in a degree of pomp and splendour little inferior to that of the greatest kings. Richard Nevile, Earl of Warwick, we are told, was ever had in great favour of the commons of the land, because of the exceeding household which he daily kept in all countries where ever he sojourned or lay; and when he came to London, he held such an house, that six oxen were eaten at a breakfast; and every tavern was full of his meat¹⁸." The Earls of Douglas in Scotland, before the fall of that great family, rivalled, or rather exceeded their sovereigns in pomp and profuse hospitality. But to this manner of living, it is highly probable, these great chieftains were prompted, by a desire of increasing the number and attachment of their retainers, on which, in those turbulent times, their dignity, and even their safety, depended, as much as on the innate generosity of their tempers. These retainers did not constantly reside in the families of their lords; but they wore their liveries and badges, frequently

¹⁷ See the Northumberland Family book.

¹⁸ Stow, p. 421.

feasted in their halls, swelled their retinues on all great solemnities, attended them on their journeys, and followed them into the field of battle. Some powerful chieftains had so great a number of these retainers constantly at their command, that they set the laws at defiance, were formidable to their sovereigns and terrible to their fellow-subjects; and several laws were made against giving and receiving liveries¹⁹. But these laws produced little effect in this period.

Hospitality was not confined to the great and opulent, but was practised rather more than it is at present by persons in the middle and lower ranks of life. But this was owing to necessity, arising from the scarcity of inns, which obliged travellers and strangers to apply to private persons for lodging and entertainment; and those who received them hospitably acquired a right to a similar reception. This was evidently the case in Scotland in the first part of this period. James I., A.D. 1424., procured the following act of parliament: "It is ordanit, that in all burrow townis, and throuchfairis quhair commoun passages ar, that thair be ordanit hostillaries and resettis, havand stables and chalmers; and that men find with thame bread and aill, and all uther fude, alsweil for horse as men, for resonable price²⁰." But travellers had been so long accustomed to

¹⁹ See Statutes, 1st Hen. IV. c. 7. 7th Hen. IV. c. 14. 8th Edward IV. c. 2.

²⁰ Black Acts, James I. par. 1. c. 26.

lodge in private houses, that these public inns were quite neglected ; and those who kept them presented a petition to parliament, complaining, “ That the liegis travelland in the realme, quhen they cum to burrowis and throughfairis, her- breis thame not in hostillaries, bot with thair acquaintance and freindis ”.¹¹ This produced an act prohibiting travellers to lodge in private houses where there were hostalries under the penalty of 40s., and subjecting those who lodged them to the same penalty.

Religion.

The people of Britain were not chargeable with the contempt, or even neglect, of the ceremonies of religion in this period. On the contrary, many of them spent much of their time and money in performing those ceremonies. To say nothing of the almost constant service in cathedral and conventional churches, all the great barons had chapels in their castles, which very much resembled cathedrals, in the number of their clergy and choristers; the richness of their furniture and images; and the pomp and regularity with which the service of the church was daily performed. The Earl of Northumberland, for example, had constantly in his family a dean of his chapel, who was a doctor of divinity, a subdean, and nine other priests; eleven singing men and six singing boys; in all, twenty-eight; who daily performed divine service in his chapel, at matins, lady-mass, high-mass, even-song, and complyne. The four first singing men

¹¹ Black Acts, James I. par. 3. c. 65.

acted as organists, weekly by turns²². This was a very splendid and expensive establishment, consisting of greater numbers than are now to be found in several cathedrals.

But unhappily the religion of our ancestors in those times was so strongly tinctured with gross irrational superstition, that it had little tendency to enlighten their minds, regulate their passions, or reform their lives. Their creed contained some articles, that their very senses, if they durst have used them, might have convinced them could not be true; and others that were equally contrary to reason and revelation. The ceremonies of their worship were mere mechanical operations, in which their minds had little or no concern; and they were taught to place their hopes of the divine favour on such fallacious grounds, as the pardons of a venal priest, the patronage of a faint, pilgrimages, fastings, flagellations, and the like. But the most odious feature of the religion of those times was its horrid cruelty and intolerance, which prompted them to burn their fellow-Christians to ashes, because they dared to think for themselves, and to worship God in a manner which they believed to be more acceptable than the established forms.

It is one evidence amongst many others, that their religion had little influence on their morals, that perjury prevailed to a degree that is hardly credible, and the obligations of the most solemn

²² See Northumberland Family book, p. 223—225.

oaths were almost totally disregarded by persons of all ranks. Of this the reader must have observed many examples in the preceding history, particularly in the conduct of Edward IV. and Richard III.²³ All the lords, spiritual and temporal, in the famous parliament at Shrewsbury, A.D. 1398., called *the great parliament*, took a solemn oath on the cross of Canterbury, never to suffer any of the acts of that parliament to be changed; and yet these same lords, in less than two years after, repealed all these acts²⁴. Various ceremonies were invented to give additional solemnity to oaths, and secure their observation. Philip the good Duke of Burgundy, A. D. 1453., in the middle of a great feast, and in the presence of his whole court, had a roasted pheasant brought to his table, with great pomp, and swore over it a most tremendous oath, that he would march an army against the great Turk; and all the lords and knights of his court swore in the same manner that they would march with him: but none of them performed their oaths²⁵. It is no wonder that the common people were so profligate in this respect, that not a few of them, we are told, lived by swearing for hire in courts of justice.²⁶

Swearing
in conver-
sation.

The English were remarkable in this period, among the nations of Europe, for the absurd and impious practice of profane swearing in conversation.

²³ See vol. 9. p. 214. 248. 252.

²⁴ See vol. 7. p. 357: vol. 9. p. 4.

²⁵ Monstrelet, tom. 3. fol. 56.

²⁶ Wilkin. Con. p. 534.

fation.

sation. The Court of Luxemburg, accompanied by the Earls of Warwick and Stafford, visited the Maid of Orleans in her prison at Rouen, where she was chained to the floor, and loaded with irons. The Count, who had sold her to the English, pretended that he had come to treat with her about her ransom. Viewing him with just resentment and disdain, she cried, “ Begone! “ You have neither the inclination nor the power “ to ransom me.” Then turning her eyes towards the two earls, she said, “ I know that you “ English are determined to put me to death; “ and imagine, that after I am dead, you will “ conquer France. But though there were an “ hundred thousand more God-dam-mees in “ France than there are, they will never conquer “ that kingdom.”⁷ So early had the English got this odious nickname, by their too frequent use of that horrid imprecation. A contemporary historian, who had frequently conversed with Henry VI., mentions it as a very remarkable and extraordinary peculiarity in the character of that prince, that he did not swear in common conversation, but reproved his ministers and officers of state when he heard them swearing.⁸

An excessive irrational credulity still continued ^{Credulity.} to reign in all the nations of Europe, and seems to have prevailed rather more in Britain than in some other countries. Of this many proofs might be produced. There was not a man then in

⁷ Villaret, tom. 15. p. 27.

⁸ Otterbourne, edit. a T. Hearne, tom. 1. p. 300.

England who entertained the least doubt of the reality of sorcery, necromancy, and other diabolical arts²⁹. Let any one peruse the works of Thomas Walsingham, our best historian in this period, and he will meet with many ridiculous miracles, related with the greatest gravity, as the most, unquestionable facts. The English were remarkable for one species of credulity peculiar to themselves, viz. a firm belief in the predictions of certain pretended prophets, particularly of the famous Merlin. Philip de Comines, in his relation of what passed at the interview between Edward IV. and Lewis XI. on the bridge of Picquiny, (at which he was present,) acquaints us, that after the two kings had saluted one another, and conversed a little together, the Bishop of Ely, Chancellor of England, began a harangue to the two monarchs, by telling them, that the English had a prophecy, that a great peace would be concluded between France and England at Picquiny; for the English (says Comines) are great believers in such prophecies, and have one of them ready to produce on every occasion.³⁰

The English bad
negotia-
tors.

The English frequently defeated the French in the field in this period, but were generally defeated by them in the cabinet. Philip de Comines, who was an excellent judge of mankind, and seems to have studied the national character of the English with great care, acknowledged that they were but

²⁹ W. Wyrcester, p. 461. 471. Rym. Faed. tom. 8. p. 427. Wilkin Concil. tom. 2. p. 394.

³⁰ Memoires de Philippe de Comines, L. 4. c. 20.

blundering negotiators, and by no means a match for the French. They were easily imposed upon, he says, by dissimulation, apt to fall into a passion, and to become impatient when they were contradicted; and, in a word, that they were not so subtle, insinuating, and patient, as their adversaries, who took advantage of all their foibles³¹. The English certainly committed a most grievous error in withdrawing, in a passion, from the great congress at Arras, A.D. 1435.³² No prince was ever more shamefully deceived by another than Edward IV. by that artful and faithless monarch Lewis XI.

A fierce, and even cruel spirit too much prevailed in both the British nations in this period, and formed a disagreeable feature in their national characters. This was owing to the violent contests, and almost constant wars, in which they were engaged; which hardened their hearts, inflamed their passions, and made them familiar with blood and slaughter. The reader must have met with so many proofs of this fierce and cruel spirit, in perusing the first chapter of this book, that it is as unnecessary as it would be unpleasant, to multiply examples of it in this place. It is sufficient to observe in general, that the wars and battles of this period were uncommonly fierce and sanguinary; that prisoners of distinction were generally put to death on the field, in cold blood; that assassina-

³¹ Memoires de Philippe de Comines, l. 4. c. 6. 9.

³² See vol. 9. p. 109.

tions and murders were very frequent, perpetrated on persons of the greatest eminence, by the hands of kings, nobles, and near relations. The ferocity of those unhappy times was so great, that it infected the fair and gentle sex, and made many ladies and gentlewomen take up arms, and follow the trade of war. “ At this siege (of Sens, A.D. 1420.) also lyn many wothy laydes and gentilwomen, both French and English; of the whiche many of hem begonne the faitz of armes long time agoon, but of lyying at seges now they begynne first.”³³ But the women of Wales, on one occasion, are said to have been guilty of deeds so horrid and indelicate, that they are hardly credible; and are therefore related in the words of the original author, in the note below.³⁴

When

³³ Rym. Fœd. tom. 9. p. 911.

³⁴ Eo tempore (A.D. 1402.) Howenus Gleydor assuetis intendens irruptionibus, pene totam milittiam Herefordensis provincie provocavit ad arma, cui ducatum præbuit Edmundus de Mortuomari. Sed cum peruentum fuisset ad actum martium, pruditione mediante, et Edmundus captus at cæteri vieti sunt, occisis de nostratibus amplius quam mille viris. Quorum genitalia mulieres Wallensium post conflictum abscederunt, et membrum pudendum in ore cujuslibet interempti posuerunt, testiculosque a mento dependere fecerunt, nasosq[ue] præcisos in oculis eorundem preffherent, et sepulturam mortuis cada veribus prohibuerunt. *T. Walfing.* p. 557.

Shakespeare seems to have perused the above, of which the following lines are a delicate guarded translation:

There came
A post from Wales, loaden with heavy news;
Whose worft was, that the noble Mortimer,
Leading the men of Herefordshire to fight

Against

When we consider the state of the country, the Robbery, condition and character of many of its inhabitants, we shall not be surprised to hear that England was much infested with robbers in this period. Sir John Fortescue, Chief Justice of the King's-bench in the reign of Henry VI., acknowledges that robbery was much more frequent in England than in France or Scotland ; and, which is remarkable in one of his profession, he boasts of this as a proof of the superior courage of the English.

" It hath ben often seen in England, that three
 " or four thefes hath sett upon seven or eight
 " true men, and robyd them al. But it hath not
 " ben seen in Fraunce, that seven or eight thefes
 " have ben hardy to robbe three or four true men.
 " Wherfor it is right feld that Frenchmen be
 " hangyd for robberye, for that they have no
 " hertys to do so terrible an acte. There be
 " therfor mo men hangyd in England, in a yere,
 " for robberye and manslaughter, than there be
 " hangyd in Fraunce, for such cause of crime, in
 " seven yers. There is no man hangyd in Scot-
 " land in seven yers together for robberye; and
 " yet thay be often tymes hangyd for larceny and
 " stelyng of goods in the absence of the owner
 " therof : but their harts serve them not to take a

Against th' irregular and wild Glendower,
 Was by the rude hands of that Welshman taken;
 A thousand of his people butchered.
 Upon whose dead corps there was such misuse,
 Such beastly shameles transformation
 By the Welshwomen done, as may not be,
 Without much shame, retold, or spoken of.

1st Part Henry IV. Act 1. Scene 1.

" manny's

" manny's goods, while he is present, and will
 " defend it; which maner of takyng is called
 " robberye. But the English men be of another
 " corage: for if he be poer, and see another man
 " having richeſſe, which may be takyn from him
 " by might, he wol not ſpare to do ſo³⁵." Whatever becomes of the reasoning of the Chief Justice, his authority is ſufficient to establish this fact, that robbery prevailed much more in England than in France or Scotland, in his time.

Manners
of the
clergy.

The manners of the clergy in the preceding period, which have been ſo fully described in the eighth volume of this work, were ſo ſimilar to thoſe of the times we are now delineating, that, to prevent unnecessary repetitions, the reader may be referred to that description³⁶. For though Dr. Wickliffe and his followers declaimed with as much vehemence againſt the pride, ambition, avarice, cruelty, luxury, and other vices of the clergy, as againſt their erroneous doctrines and ſuperstitious ceremonies, they declaimed in vain: the clergy were at leaſt as much attached to their riches, their honours, and their pleasures, as to their ſpeculative opinions; and as unwilling to abandon their vices as to renounce their errors. In a word, the generality of the British clergy in this period were neither more learned, nor more virtuous, than their immediate predeceſſors; and ſeem to have differed

³⁵ Sir John Fortefeu on the Difference between an absolute and limited Monarchy, ch. 13.

³⁶ See vol. 8. p. 367—371.

from

from them in nothing but in the superior cruelty with which they persecuted the unhappy Lollards.

Great cities in general are not very friendly to the virtue of their inhabitants, especially of the young and opulent. Honest Mr. Caxton observed concerning the youth of London in his time, that when they were very young they were exceedingly amiable and promising; but that when they arrived at riper years, many of them disappointed the hopes of their friends, and dissipated the wealth that had been left them by their parents. “ I see that the children that ben borne “ within the sayd cyte (London) encrease and “ prouffyte not like their faders and olders; but “ for mooste parte, after that they ben comeyn “ to theyr perfight yeres of discretion, and ry- “ penes of age, how well that theyre faders have “ lefte to them, grete quantite of goodes, yet “ scarcely amonge ten two thrive. O blessed “ Lord! whan I remembre thys, I am al abashed: “ I cannot juge the cause; but fayrer, ne wyser, “ ne bet bespoken children in theyre youthe bga “ no wher than ther ben in London; but at thy- “ ful ryping, there is no carnel, ne good corn “ founden, but chaff for the moost part.”³⁷

It would be improper to pursue this unpleasant subject any further. If our ancestors in this period were free from certain vices and follies which are too prevalent among their posterity in the present age, they were guilty of others, some

³⁷ Ames' History of Printing, p. 37.

of them of a very odious nature, which do not now prevail. Let us not then imagine, from an ill-founded veneration for antiquity, that the former times were better than these. In several respects they were certainly much worse, as well as more unhappy.

Language. The living language of a great commercial people, who cultivate the sciences, and have much intercourse with other nations, is liable to perpetual changes. These changes are introduced by slow imperceptible degrees; but in the course of a few ages they become conspicuous. The language (for example) of the people of England, in the eleventh, twelfth, and thirteenth centuries, is now as unintelligible to their posterity, as a dead or foreign language. Of this any reader may be convinced, by looking into the Saxon chronicle, or turning to the specimens of the language of those times, in the preceding volumes of this work¹. In the fourteenth century, the people of England began to speak a language which may be called English; though it was still so different from that which is spoken by their posterity in the present age, that it can hardly be understood without the assistance of a glossary.²

Greater changes in the language of the vulgar than of the learned.

The language of the vulgar, in every age, is considerably different from that of the polite and learned; and in some times there are greater changes in the one than in the other. In our pre-

¹ See vol. 4. p. 362, 369.; vol. 6. p. 352, 353.; vol. 8. App. No. 4.

² See the works of Chaucer, Gower, &c.

fent period, we find few or no improvements in the language of the learned, because there were few or no improvements made in learning. The works of Chaucer and Gower, who flourished in the fourteenth century, are as intelligible to a modern reader, as those of King James I., Lydgate, or Occleve. But we learn from the testimony of William Caxton, that the language of the common people of England underwent a very remarkable change in the course of this period.

“ Certaynly the langage now used (A.D. 1490.)
“ varyeth ferre from that which was used and
“ spoken whan I was born. For we Englishe men
“ ben borne under the domynacyon of the mone,
“ which is never stedfaste, but ever waver-
“ ynge.” The difference between the lan-
guage most commonly used and most generally
understood, and that which was affected by the
polite and learned, was then so great, that
Mr. Caxton (who was much employed in trans-
lating books out of French into English) was
greatly perplexed what words to use, in order to
render its translations universally useful and
agreeable. “ Some gentylmen (says he) have
“ blamed me, saying, that in my translacyons I
“ had over curyous termes, which could not be
“ understande of comyn peple, and desired me to
“ use olde and homely terms in my translacyons;
“ and fayn wolde I satisfy every man. — But
“ som honest and grete clerkes have been wyth
“ me, and desired me to wryte the moste curyous

“ Ames' History of Printing, p. 52.

“ termes

" termes that I coude fynde. And thus between
 " playn, rude, and curious, I stand abashed."
 To extricate himself out of this difficulty, Caxton very wisely resolved to use terms neither over-rude nor over-curious.

Different dialects.

Difference of dialect is common to every language, in every age and country, especially in countries of great extent, and divided into many provinces. This difference was so great in England, in this period, that (as we are told) the inhabitants of one county hardly understood those of another. " That comyne Englishe
 " that is spoken in one shyre varyeth from an
 " other; insomuche, that in my dayes happened,
 " that certayn merchaunts were in a shipp in
 " Tamysse, for to have failed over the see into
 " Zelande, and for lacke of wynd they taryed
 " atte Forland, and went to land for to re-
 " freshe them; and one of them, named Shef-
 " felde, a mercer, came into an hows, and axed
 " for mete, and specyally he axed after egges;
 " and the good wyf answerde, That she coude
 " speke no Frenshe. And the merchaunt was an-
 " gry; for he also coude speke no Frenshe; but
 " wolde have hadde egges, and she understande
 " hym not. And thenne at last another sayd,
 " that he wolde have ceyren; thenne the good
 " wyf sayd, that she understande him well."⁴²

Spelling unsettled.

From the many specimens that have been given of the English of this period, in this and the preceding chapters of this book, from the best writers

⁴¹ Ames' History of Printing, p. 52.

⁴² Id. ibid.
both

both in prose and verse, the reader must have observed with some surprise their various, strange, irregular manner of spelling, which contributes not a little to the obscurity of their writings. Spelling, in those times, was so perfectly arbitrary and unsettled, that the same writer spelt the same word two or three different ways in the same page. In a word, every writer contented himself with putting together any combination of letters that occurred to him at the time, which he imagined would suggest the word he intended to his readers, without ever reflecting what letters others used, or he himself had used, on former occasions, for that purpose.

It is difficult to discover any very material difference between the language of England and of the low lands of Scotland, in this period; the writers of the one country being as intelligible to a modern reader as those of the other. Of this any one may be convinced, by comparing the works of Jeoffry Chaucer and John Barbour, or of any two contemporary writers of the two countries. There was probably a considerable difference in the pronunciation, as there is at present.

Customs which have been long established are apt to be continued, after the change of circumstances hath rendered them absurd and inconvenient. Could any custom be more inconvenient and unreasonable, than to compose and promulgate the laws of a country in a language which few of the legislators, and hardly any of the other inhabitants, understood? Such a custom prevailed in England in this period. The numerous statutes

Language
of Scot-
land.

Laws in
French.

statutes made in the reigns of Henry IV., V., and VI., and of Edward IV., except a very few in Latin, were composed, recorded, and promulgated in French⁴³; though that language was then very little understood or used in England. Many proofs might be produced of this last fact; but the express testimony of an author of undoubted credit, who flourished in those times, will, I hope, be thought sufficient. Honest William Caxton assures us that the great motives which induced him to spend so much of his time in translating books out of French into English, were, “1. Because most quantity of the people understande ne Frenshe here in this noble royme of England—and, 2. To satisfy the requestes of his syngular good lordes,” who needed these translations as well as others⁴⁴. Richard III. and his parliament, which met at Westminster, 20th January A.D. 1483., put an end to this absurd custom, by framing their acts in the English language⁴⁵. The acts of the parliaments of Scotland, from the beginning of this period, were composed in English, or in the language of the low lands, and most populous parts of that kingdom, which was also understood by the chieftains in the Highlands.⁴⁶

Dres.

As the people of England, in this period, possessed great abundance of excellent wool, and had made considerable progress in the cloathing arts, it is probable that they were comfortably and de-

⁴³ See Statute, vol. I, 2.

⁴⁴ Statutes 1st Richard III.

⁴⁵ Ames, p. 47.

⁴⁶ See Black Acts.

cently

cently dressed. This conjecture is confirmed by the unexceptionable testimony of Sir John Fortescue; who, in proving that the English, who lived under a limited monarchy, were much happier than their rivals the French, who lived under a despotic government, gives this as one example of their superior happiness, that they were much better dressed or clothed. “The French weryn no wollyn, but if it be a pore cote, under their uttermost garment, made of grote canvas, and call it a frok. Their hofyn be of like canvas, and passin not their knee; wherefor they be gartered, and their thyghs bare. Their uifs and children gone bare fote”. “But the English wear fine wollen cloth in all their apparell. They have also abundance of bed-coverings in their houses, and of all other wollen stufse.” It is probable, however, that Sir John Fortescue, in this passage, speaks only of yeomen, substantial farmers, and artificers. For it appears, from an act of parliament made A.D. 1444., for regulating the wages and clothing of servants employed in husbandry, that their dress and furniture could hardly answer the above description. By that law a bailiff or overseer was to have an allowance of 5s. equivalent to 50s. a-year, for his clothing; a hind or principal servant, 4s. equivalent to 40s. at present; an ordinary servant, 3s. 4d. equivalent to 33s. 4d.⁴⁷ But as all

⁴⁷ Fortescue on absolute and limited Monarchy, q. 3.

⁴⁸ Id. de Laudibus Legum Angliae, cap. 36.

⁴⁹ Statutes, 23d Hen. VI, c. 12.

these persons were allowed meat, drink, and wages, they might be comfortably and decently clothed, by expending a part of their wages on their clothing. The dress of labourers and common people in this period appears to have been simple and well contrived, consisting of shoes, hose made of cloth, breeches, a jacket and coat buttoned and fastened about the body by a belt or girdle. They covered their heads with bonnets of cloth⁵⁰. As the common people could not afford to follow the capricious changes of fashion, the dress of both sexes in that order seems to have continued nearly the same through several ages.

Robes of
the nobi-
lity, &c.

But comfort and decency are not the only, very often not the chief, objects regarded in dress. It hath been an ancient and universal custom, to distinguish the different ranks and professions in society by their different robes and dresses. The robes worn by the kings, princes, dukes, earls, lords, and knights of England, on public solemnities, are so well known, and have been so often described, that a minute delineation of them in this place is unnecessary, and would be tedious. As those of persons of rank in Scotland, in this period, are not so generally known, they may be briefly mentioned⁵¹. The robes of the earls, lords of parliament, and burgesses, in the parliaments of Scotland, were prescribed by the following law made in the reign of James II. A. D.

⁵⁰ See Mr. Strutt's useful work, vol. 2. plate 3.

⁵¹ See Selden's Titles of Honour, Ainslie's History of the Garter, Strutt's Antiquities.

1455.; "It is statute and ordainit, that allerlis fall
 " use mantillis of browne granit, oppin befoir,
 " furrit with quhyte lyning, and lynit befoir out-
 " with an hand braid to the belt steid, with famen
 " furring, with lytell huds of the famen claith,
 " and to the usit upon their schuldaris. And the
 " other lordis of parliament to have an mantell of
 " reid, ryghtswa oppenit befoir, and lynit with
 " silk, or furrit with cristy gray greece, or purray,
 " togidder with an hude of the famen claith,
 " furrit as said is. And all commissaries of bur-
 " rowis, ilk ane to have ane pair of clokis of blew,
 " furrt fute syde, oppin on the ryght schuldar,
 " furrit as affeiris, and with huds of the famen,
 " as said is. And quhat erl, lord of parliament,
 " commissaries of burrowis, that enteris in parlia-
 " ment or generall counsall but [without] the
 " faid habit furrit, fall fur thwith pay tharefter
 " ten punds to the King unforgiven."⁵² By
 the same law, advocates, who spoke for money
 in parliament, are commanded "to have habits
 " of grene, of the fassoun of a tunekil, and the
 " sleves to be oppin as a talbert."⁵³ How antic
 and ridiculous an appearance would an advocate
 make at the bar, in the present age, in this dress!
 But the magic power of fashion makes almost any
 habit appear graceful while it is fashionable.

As vanity contributed as much as necessity to Fashions.
 the introduction and use of clothing, that powerful universal passion has presided ever since in the

⁵² Black Acts, 28th James II., chap. 52.

⁵³ Ibid.

province of dress, and produced an almost innumerable multitude of modes and fashions in every age. Many of these fashions appear to us ridiculous; some of them were certainly inconvenient; few of them deserve to be recorded or revived; and therefore a very brief notice of the most remarkable of them, it is hoped, will be sufficient to gratify the reader's curiosity. To attempt a minute detail of them all, in regular succession, would be as vain as to attempt such a detail of the shape of last year's clouds, and as unbecoming the dignity of general history.

Long pointed shoes.

Those fashions that are most absurd and troublesome, and most keenly opposed and censured, are commonly most permanent. Folly is fickle when it is let alone, but obstinate when it is opposed. No fashion could be more absurd and troublesome than that of the long-pointed shoes, with which they could not walk till they were tied to their knees with chains. This fashion was condemned by the papal bulls, and the decrees of councils, and declaimed against with great vehemence by the clergy; and yet it prevailed, in some degree, almost three centuries⁵⁴. At length the parliament of England interposed, by an act, A.D. 1463., prohibiting the use of shoes or boots with pikes exceeding two inches in length, and prohibiting all shoemakers to make shoes or boots with longer pikes, under severe penalties⁵⁵. But even this was

⁵⁴ W. Malmf. p.69. J. Roffi Hist. p.205.

⁵⁵ Statutes, 3d Edw. IV., ch.1.

not sufficient to put an end to this ridiculous inconvenient fashion. The civil power was obliged to call in the aid of the church; and a proclamation was published in all parts of England, denouncing the dreadful sentence of excommunication, besides all other penalties, against all who wore shoes or boots with pikes longer than two inches.⁵⁶

The dress of the beaux and fine gentlemen of England, in this period, was remarkably ^{Dress of a beau.}瘦 and light. Their stockings and breeches were in one piece, as tight to their limbs as possible, like the tartan trowsers of the gentlemen in the highlands of Scotland. Their coats or jackets were very short, reaching only an inch or two below the top of their breeches; and John Rows of Warwick complains bitterly, that by the shortness of their coats they exposed those parts to view which ought to have been concealed⁵⁷. Parliament also attempted to prevent this indecency, and made an act, A.D. 1463., that no man should wear a jacket but what was of such a length, that when he stood upright it should hide his buttocks⁵⁸. But the power of fashion was greater than the power of parliament. Long hair was much admired by the gay, and as much condemned by the grave, particularly by the clergy, in this period. John Rows reproaches the beaux of his time for suffering their long hair to cover

⁵⁶ Stow, p. 419.

⁵⁷ J. Roffii Hist. p. 131.

⁵⁸ Statutes, 3d Edw. IV. Stow, p. 417.

their foreheads, on which they had been marked with the sign of the cross, at their baptism⁵⁹. On their heads they wore bonnets of cloth, silk, or velvet, adorned with pearls and precious stones⁶⁰. In winter and bad weather they used mantles, which were at some times as short as their jackets, and at other times so long, that their sleeves reached the ground. These mantles with long sleeves are ridiculed by the poet Occleve, in the following lines :

Now hath this land little nede of broomes,
To sweep away the filth out of the streeete,
Sin side sleeves of penniless grooms
Will it uplicke, be it dry or weete.

When Henry Prince of Wales, afterwards Henry V., waited on his father Henry IV., in order to make his peace, he was dressed in a mantle or gown of blue fatten, full of small oylet holes, with a needle hanging at every hole by a silk thread⁶¹. This was sufficiently ridiculous, but it was the fashion.

Ladies
head dress.

The young, gay, and opulent of the fair sex were not less fond of ornaments, nor less fickle and fanciful in the fashions of their dress, than their admirers. As it would be ungraceful to dwell on this subject, I shall mention only one of these fashions. The head-dresses of the ladies were exceedingly large, lofty, and broad. This mode was

⁵⁹ J. Roffe Hist., p. 131.

⁶⁰ See the figure of a Beau in Strutt's Antiquities, vol. 3; plate x.

⁶¹ Hollingshead, p. 1160.

introduced in the preceding period, prevailed long both in France and England, and at length arrived at a most enormous pitch⁶². When Isabel of Bavaria, the vain, voluptuous consort of Charles VI., kept her court at Vincennes, A. D. 1416., it was found necessary to make all the doors of the palace both higher and wider, to admit the head-dresses of the queen and her ladies⁶³. To support the breadth of these dresses, they had a kind of artificial horn on each side of the head, bending upwards, on which many folds of ribbons and other ornaments were suspended. From the top of the horn on the right side, a streamer, of silk or some other light fabric, was hung, which was sometimes allowed to fly loose, and sometimes brought over the bosom, and wrapt about the left-arm⁶⁴. These head-dresses, by their immense size, admitted a great variety of ornaments, and thereby afforded the ladies an opportunity of displaying their taste and fancy to advantage.

The extravagance of both sexes, and of all ranks, in their dress, hath been a subject of complaint in every age, and in none more than in our present period. The parliament of England attempted to set bounds to that extravagance, by several sumptuary laws, particularly by two acts in the reign of Edward IV.⁶⁵ But vanity is invincible; and these and other acts of that

⁶² See vol. 8. p. 402. J. Roffii Hist., p. 205.

⁶³ Villaret, tom. 13. p. 423.; Monstrelet, f. 39. col. 2.; Pasquier, p. 578.

⁶⁴ See Strutt, vol. 2. plate 6.

⁶⁵ Statutes, 3d and 2d Edw. IV.

In Scot-
land.

kind, served only to give a different turn to extravagance.

When we reflect on the unhappy circumstances of the people of Scotland in this period, we might imagine that there could be no need of sumptuary laws in that kingdom. But that was not the case. In the reign of James II. the following curious law was made A.D. 1457.: “ That sen
“ the realme in ilk estate is gretumly purit throw
“ sumptuous cleithing, baith of men and women,
“ and in special within burrowis, the lords thinkis
“ speedful, that restriction be maid thairof, in
“ this maner: That no man within burgh that
“ lives be merchandice, bot gif he be a persoun
“ constitute in dignitie, as alderman, baillie, or
“ uther gude worthy men, that are of the counsall
“ of the towne, and thair wyfis, wair claihs of
“ silk, nor costly scarleittis in gownis, or furrings
“ with mertrikis. And that they mak thair
“ wyfis and dotchters, in like maner, be abilzeet
“ ganand and corespondand for thair estate;
“ that is to say, on thair heidis schort courchis
“ with lytil hudis, as are usit in Flanders, Ing-
“ land, and other countreis. And as to thair
“ gownis, that na wemen weir mertrikis, nor
“ letties, tailis unfitten lenth, nor furrit uader,
“ bot on the haly day.” This law was evi-
dently dictated by the pride of the great lords
to check the vanity of the burghers, their wives
and daughters, who presumed to dress like lords
and ladies.

“ Acts James II., ch. 78.

The

The diet of the people of England in general, Diet.
 in this period (if we may believe Sir John Fortescue), was neither coarse nor scanty. "They
 " drink (says he) no water, except when they
 " abstain from other drinks, by way of penance,
 " and from a principle of devotion. They eat
 " plentifully of all kinds of fish and flesh, with
 " which their country abounds⁶⁷." This was
 probably intended for a description of the manner in which persons in good circumstances, in
 the richest parts of the kingdom, lived in years
 of plenty. It is also necessary to remark, that it
 was the chief design of this patriotic writer, to
 convince his royal pupil, Prince Edward, that the
 subjects of a limited monarch were much happier
 than the slaves of an absolute sovereign. With this
 view, he painted both the plenty and prosperity
 of the English, and the poverty and misery of the
 French, in the strongest colours. "The com-
 " mons in France (says he) be so impoverished
 " and destroyd, that they may unith lyve.
 " Thay drynke water, thay eate apples, with
 " bred right brown, made of rye. Thay eate no
 " flesche, but if it be selden, a litill larde; or of
 " the intrails or heds of befts sclayne for the
 " nobles and merchaunts of the land⁶⁸." But
 though it was true, that England had suffered less
 than France by the ravages of war and the ex-
 actions of government, and that the English in
 general lived better than the French, there is suffi-

⁶⁷ Fortescue de Laudibus Legum Angliae, cap. 36.

⁶⁸ Fortescue on absolute and Limited Monarchy, chap. 3.

cient evidence that the labourers and common people, especially in the north of England, did not possess that plenty and variety of provisions mentioned by Sir John Fortescue. Æneas Silvius, afterwards Pope Pius II., assures us, that none of the inhabitants of a populous village in Northumberland, in which he lodged, A.D. 1437., had ever seen either wine or wheat-bread ; and that they expressed great surprise when they saw them on his table^o. In the years of scarcity, which were too frequent, the common people were involved in great distress, and not a few of them died of hunger, or of diseases contracted by the use of unwholesome food.^o

Luxury of
monks.

The monks in rich monasteries lived more fully, and even more delicately, than almost any other order of men in the kingdom. The office of chief cook was one of the great offices in these monasteries, and was conferred with great impartiality, on that brother who had studied the art of cookery with most success. The historian of Croyland abbey speaks highly in praise of brother Laurence Chateres, the cook of that monastery ; who, prompted by the love of God, and zeal for religion, had given forty pounds (equivalent to 400l. at present) “ for the recreation of the convent with the milk of almonds “ on fish-days.” He gives us also a long and very particular statute that was made for the

^o Opera Pii Secundi, p. 5.

^o Hist. Croyland, p. 512. See part 2, c. 74, of this volume.

equitable

equitable distribution of this almond-milk, with the finest bread and best honey."¹¹

The secular clergy were no enemies to the pleasures of the table; and some of them contrived to convert gluttony and drunkenness into religious ceremonies, by the celebration of glutton-masses, as they very properly called them. These glutton-masses were celebrated five times a-year, in honour of the Virgin Mary, in this manner: Early in the morning, the people of the parish assembled in the church, loaded with ample stores of meats and drinks of all kinds. As soon as mass ended, the feast began, in which the clergy and laity engaged with equal ardour. The church was turned into a tavern, and became a scene of excessive riot and intemperance. The priests and people of different parishes entered into formal contests, which of them should have the greatest glutton-mass, *i. e.* which of them should devour the greatest quantities of meat and drink, in honour of the Holy Virgin."¹²

The English noblemen and gentlemen who accompanied James I. and his Queen into Scotland, A.D. 1424., introduced, it is said, a more luxurious way of living into that kingdom than had formerly been known; which gave great offence to such of the nobility as admired the temperance and frugality of their ancestors. Henry Wardlaw, Bishop of St. Andrew's, (if we may believe Hector Boyce) made a long and elo-

¹¹ Hist. Croyland, p.497, 498.

¹² Wilkin. Concilia, tom. 3. p.389.

quent harangue to the King in a parliament at Perth, A.D. 1433., against that new and extravagant mode of living introduced by the English ; and in consequence of that harangue an act of parliament was made, regulating the manner in which persons of all orders should live, and, in particular, prohibiting the use of pies and other baked meats (then first known in Scotland) to all under the rank of barons.⁷²

Manner of living in great families.

It was now become the custom in great families, to have four meals a-day, viz. breakfasts, dinners, suppers, and liveries, which was a kind of collation in their bed-chambers, immediately before they went to rest. As our ancestors in this period were still early risers, they breakfasted at seven, and dined at ten o'clock forenoon, supped at four afternoon, and had their liveries between eight and nine; soon after which they went to bed. But though they breakfasted thus early, their appetites seem to have been sufficiently keen⁷⁴. The breakfast of an earl and his countess, on Sundays, Tuesdays, Thursdays, and Saturdays, in the holy fast of Lent, was, "first a loaf of bread in trenchers, twomanchetts", a quart of beer, a quart of wine, two pieces of salt fish, six bacon-ed herrings, four white herrings, or a dish of

⁷² H. Boeth., lib. 17. f. 350.

⁷⁴ Northumberland Family-book, c. 41. and notes on p. 310.

⁷⁵ A manchet was a small loaf of the finest bread, weight 6 ounces.

" sproits."

"sproits⁷⁶." This, for two persons, at seven o'clock in the morning, was a tolerable allowance for a day of fasting. Their suppers on these days were equally plentiful. Their breakfast on flesh-days was, "first a loaf of bread in trenchors, two manchetts, a quart of beer, a quart of wine, half a chyne of mutton, or a chyne of beef boiled."⁷⁷ The liveries, or evening-collations, for the lord and lady were, "first two manchetts, a loaf of household bread, a gallon of beer, and a quart of wine."⁷⁸ The wine was warmed, and mixed with spiceries. No rule was fixed for dinners, as these were the principal meals, at which they entertained their company. It is remarkable, that shopkeepers, mechanics, and labourers breakfasted at eight in the morning, dined at noon, and supped at six in the evening; which were later hours than those of the nobility. So different are the customs of one age from those of another.

The hospitality of the great and opulent barons of this period hath been already mentioned.⁷⁹ These barons not only kept numerous households, but they frequently entertained still greater numbers of their retainers, friends, and vassals. These entertainments were conducted with much formal pomp and stateliness, but not with equal delicacy and cleanliness. The lord of the mansion sat in state, in his great chamber, at the head of his long clumsy oaken board; and his guests were

⁷⁶ Northumberland Family-book, p. 73.

⁷⁷ Id. p. 75.

⁷⁸ Id. p. 96.

⁷⁹ See p. 287, 288.

seated on each side, on long hard benches or forms, exactly according to their stations; and happy was the man whose rank intitled him to be placed above the great family silver-salt in the middle. The table was loaded with capacious pewter dishes, filled with salted beef, mutton, and butcher-meat of all kinds; with venison, poultry, sea-fowls, wild-fowls, game, fish, &c. &c. dressed in different ways, according to the fashion of the times. The sideboards were plentifully furnished with ale, beer, and wines, which were handed to the company, when called for, in pewter and wooden cups, by the mareschals, grooms, yeomen, and waiters of the chamber, ranged in regular order. But with all this pomp and plenty, there was little elegance. The guests were all obliged to use their fingers instead of forks, as these most simple and useful instruments, which contribute so much to cleanliness, were not yet invented^{so}. They sat down to table at ten o'clock in the forenoon, and did not rise from it till one in the afternoon; by which three of the best hours of the day were consumed in gormandizing.st

Great feasts.

The feasts at coronations and royal marriages, and at the installations of great prelates, were exceedingly splendid in this period; and at these feasts prodigious multitudes were entertained. The marriage feast of Henry IV. and his Queen Jane of Navarre, consisted of six courses; three of flesh

^{so} Coryat's Crudities, p. 90, 91.

st Northum. Book, p. 310. 314.

and

and fowls, and threee of fish. All these courses were accompanied and adorned with *suttleties*, as they were called. These *suttleties* were figures in pastry, of men, women, beasts, birds, &c. placed on the table, to be admired, but not touched. Each figure had a label affixed to it; containing some wylle or witty saying, suited to the occasion of the feast, which was the reason they were called *suttleties*²². The installation-feast of George Neville, Archbisshop of York, and Chancellor of England, exceeded all others in splendour and expence, and in the number and quality of the guests. The reader may form some idea of this enormous feast, by perusing the catalogue of the provisions prepared for it, which he will find in the Appendix, No. VI.

Few things are more permanent, and less liable to change, than national diversions. The sports of the field have been the favourite diversions of persons of rank and fortune through many successive ages; and in the short intervals of peace between one war and another, were pursued with as much ardour in this as in any other period²³. For more than five centuries after the Norman conquest, princes, nobles, knights, and esquires,

Diversions
perma-
nent.

²² See Strutt, vol. 2. p. 101—104.

²³ Every baron in Scotland was obliged by law to hunt the wolf four times a-year, attended by all his tenants, in the proper season; and every sheriff, with all the barons and freeholders of his county, were obliged to have three great wolf huntins in the year. But this was from necessity, and not merely for amusement, as that country was still infested by these destructive animals. Black Acts James I. ch. 115. ; James II. ch. 98.

displayed

displayed their courage, strength, and dexterity, in horsemanship and the use of arms, in splendid tilts and tournaments, for the entertainment of the great and the fair; while the common people diverted themselves with the humbler feats of boxing, wretling, leaping, running, &c. &c. Our Saxon ancestors, in the wilds and woods of Germany, were as desperate adventurers at games of chance, as the most thoughtless and fearless of their posterity in the present times; and we meet with complaints of the prevalence of this pernicious humour in every intervening age⁴. Miracles, mysteries, and moralities (which have been already described), continued, with very little variation, to be the only representations that resembled theatrical entertainments for several centuries, in the middle ages, and were so in the present period⁵. The foot-ball was, in those times, a favourite diversion of the common people; and the hand-ball of persons of rank and fortune, who played with it on horseback as well as on foot, for great sums of money⁶. There was never wanting in the middle ages, a great number of jugglers, minstrels, mimics, mummers, tumblers, rope-dancers, and other artists, who supported themselves by diverting others; and they seem to have been no contempt-

⁴ See vol. 2. p. 373.; vol. 4. p. 403.; vol. 6. p. 376.

⁵ Pasquier, p. 382.

⁶ St. Foix *Essais sur Paris*, tom. I. p. 342.

ible performers in their several arts.⁸⁷ In a word, the amusements of persons of all ranks, for more than five centuries after the conquest, were so much the same, that it is unnecessary to give a minute detail of them in every period; and it will be sufficient to describe, in their proper places, such new amusements as have been introduced from time to time.

Such was the martial spirit that reigned in our present period, that the legislators of both the British kingdoms attempted to compel the people to relinquish their most favourite pastimes, and to spend all their leisure hours in archery. With this view, the following law was made in Scotland, A.D. 1424. : “ It is statute, and the King for-
 “ biddis, that na man play at the fute-ball, under
 “ the pane of 40 shillings, als oft as he be taintit:
 “ And that all men busk thame to be archaris fra
 “ thay be twelve years of age; and that ilk ten
 “ pundis worth of land, thair be maid bowmarkis,
 “ and specially near paroche-kirkis, whair, upone
 “ halie days, men may cum, and at the leist
 “ schute thryse about, and have usage of ar-
 “ chery⁸⁸. ” With the same view, a law was made in England to the following purport—“ Though,
 “ by the laws of this land, no man shall play at
 “ unlawful games, as coits, foot-ball, and the like

Certain
games pro-
hibited

⁸⁷ In Mr. Strutt's work, vol. 2. plate 6. we see the figure of a bag piper, with a man on his shoulders, dancing to his music, and the figure of another artist standing on one foot, and balancing a spear on his nose.

⁸⁸ Black Acts, James I. c. 19, 20.

" games, but that every able-bodied man shall daily practise archery, because the defence of the kingdom depends on archers; yet notwithstanding these laws, many evil-disposed persons, of all ranks, play at those and at other newly-invented games, called cloish, kayles, half-boul, handin-handout, and quickeborde."^o The act then proceeds to paint, in very strong colours, the fatal effects of playing at these games, and to prohibit the use of them under very severe penalties^o. How unhappy were those times, in which such laws were expedient, or rather necessary!

Card-playing.

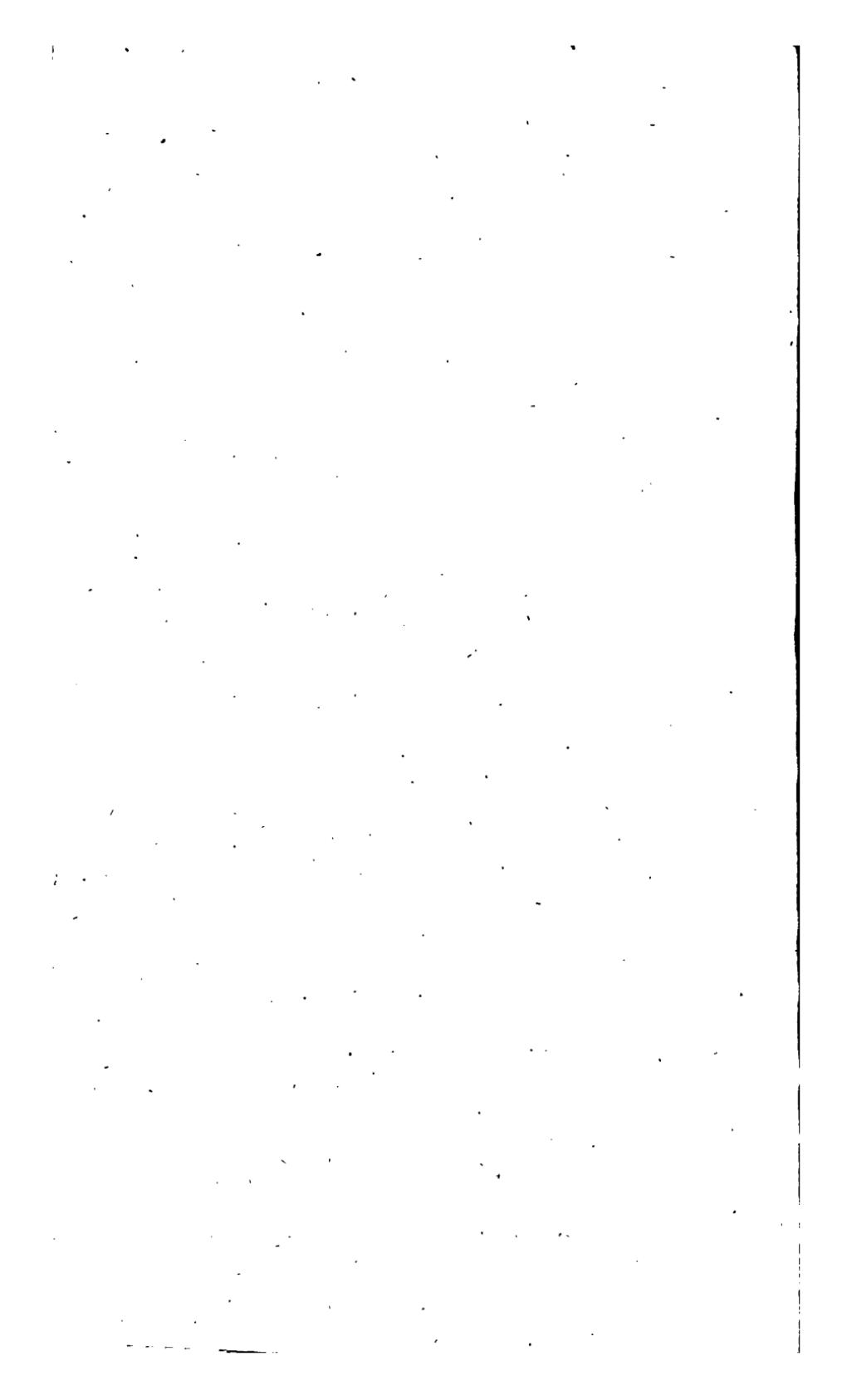
Though card-playing is not named among the new games in the above act of parliament, it was certainly introduced into Britain in the course of this period. Playing-cards were made, and probably invented, about the end of the fourteenth or beginning of the fifteenth century, by Jaquemin Gringonneur, a painter in Paris. They were invented, it is said, for the amusement of that unhappy Prince, Charles VI., in his lucid intervals. That they were made for, and used by that Prince, is evident, from the following article in his treasurer's accounts : " Paid fifty-six shillings of Paris, to Jaquemin Gringonneur the painter, for three packs of cards gilded with gold, and painted with diverse colours and diverse devices, to be carried to the King for his amusement."^o From the above article we perceive, that playing-

^o Statutes, 17th Ed. IV. c. 3.

^o Mr. Saintfoix *Essais sur Paris*, tom. I. p. 343.

cards were originally very different in their appearance and their price from what they are at present. They were gilded, and the figures were painted or illuminated, which required no little skill and genius, as well as labour. The price of one pack of these cards was no less than 18s. 8d. of Paris, a very considerable sum in those times. The last circumstance is probably one reason that playing-cards were little known or used for a good many years after they were invented. Though I have met with several complaints of the too great prevalence of dice-playing, I have with none with regard to card-playing, in the writers of those times. By degrees, however, cards became cheaper, and the use of them more common : and we have the evidence of an act of parliament, that both card-playing and card-making were known and practised in England before the end of this period. On an application of the card-makers of London to parliament, A.D. 1463., an act was made against the importation of playing-cards^{*}. But if the progress of card-playing was slow at first, it hath since become sufficiently rapid and extensive, to the cost of many unfortunate gamesters, and the loss of many others, who spend too much of their time in that infatuating amusement.

* Statutes, 3d Edw. IV. c. 4.



APPENDIX

TO THE

FIFTH BOOK.

NUMBER I.

Example of the Bombast, being part of Thomas de Elmham's description of the Battle of Agincourt.

O ! letale bellum, dira strages, clades mortalis, fames mortis, fitis crutoris insaciabilis, furibundus impetus, furor impetuofus, infania vehemens, crudelis conflictus, inimicerors ulcio, lancearum fragor immensus, sagittarum garritus, securium concussus, ensium vibracio, armorum dirupcio, vulnerum impressio, effusio sanguinis, induccio mortis, corporum dissolucio, nobilium occisio, aër fragoribus horrendis tonitruat, nubes missilia impluunt, tellus cruorem absorbet, spiritus à corporibus evolant, semifiva corpora proprio sanguine volant, cadaveribus occisorum terræ superficies operitur. Iste invadit, ille cadit, iste aggreditur, ille moritur, iste animum revocat, ille animam cum cruento simul eruat, occisor irascitur, occisus moerore conteritur, vietus reddi desiderat, victorum impetus reddicionis tempora non exspectat, fævicia regnat, pietas exulat, fortes et strenui opprimuntur et montes cadaverum cumulantur, multitudo maxima traditur morti, principes et magnates ducuntur captivi, &c. &c.

NUMBER II.

**Carta ordinan Robertum Dominum Boyd Gu-
bernatorem Regni et Perfone Regis.**

JACOBUS Dei gratia Rex Scotorum omnibus probris hominibus suis ad quos presentes litere pervenerint salutem. Quia nos in parlimento nostro ultimo tent apud Edinburgh mentem nostram coram tribus regni nostri statibus declaravimus qnod quamplurimum nobis placuit ut consanguineus noster Robertus Dominus Boide gubernationem et regimen nostre persone et fratrum nostrorum et fortaliciorum tanquam unus de intimis nostris consilibus habeat in nostre auctoritatis regie et justicie executione usque ad nostram etatem legitimam viginti unius annorum. Ea propter dictum Robertum Dominum Boyd consanguineum nostrum ex concensu et deliberatione ceterorum dominorum nostri concilii gubernatorem nostre persone ac fratrum nostrorum et fortaliciorum usque ad nostram etatem predictam confecimus et ordinavimus ac ut premittitur constitimus et ordinamus per presentes strictius inhiben ne quis in contrarium presentis nostre ordinationis aliquatenus devenire presumat sub omni pena quam erga nostram regiam incurrire poterit majestatem in hac parte. Dat sub magno sigillo nostro apud Striveling vi-celimo quinto die mensis Octobris anno Domini millesimo quadringentesimo sexagesimo sexto et regni nostri septimo.

Faithfully copied from the records of the great seal.

NUMBER III.

Pacification of Blackneſſe.

THIR ar the articles uppone ye quhilke or foverain lord fall gif commissioune under hia gyet sele to ye lordis under written. Yat is to say ye bischop of Aberden chanceller the erlis of Huntlie Erole Merschiale lord Glamys & Alexander Lindefay to comon conclude & end with yir lordis followand Yat is to say ye bischop of Glasgw ye erlis of Angus Ergile lord Halis lord Lile the quhilke lordis fall haſſe full commissioune of my lord prince & of all the lordis being with him.

In the firſt to comone and conclude yat ye kingis his honor estate riale autorite be exaltit conservit & borne up at he may exhers justice universally to all his liegis in all ye pertis of his realm.

Item, At his maist noble persone be at all tymes in honor securitie & fredome & at yar be prelatis erlis lordis & baronia & utheria persons of wiſdome prudence and of gud disposition & unsuspect to his hienes & evinly to all his liegis dayly about his nobil perfoun to the gud giding of his realme and lieges.

Item, Yat all ye persons being about my lord prince yt has in tym bygane done displeſſe to his hienes mak honorabile & agreeable amendis to his hienes be ye wiſdome and discretione of the faid lordis yar liffis heretage & honouris except.

Item, Yat ye kingis hienes fall giff honorabill sustentatioun & levin to my lord prince his ſone at ye confideratione of ye faidis lordis.

Item, At wiſ lordis & honourabill persons of wiſdome and discretione evinly & of gud dispositioun fal be dayly

about

APPENDIX.

about my lord prince for the gud governance of him and securite of his person in his tender age.

Item, To avifs comope & conclude how my lord prince fall in all times to cum be obedient to his faider ye king & how yt faiderly luff and tendernes fall at all tymis be had be twex yame.

Item, How ye lordis and uyir persons being about my lord prince fall haf or soverane lordis favoris & grace & hertly forgevinnyss & yar persons to be in securite as best can be divisit be ye said lordis for ony displeiss done to ye kingis hienes in ony tym bygane.

Item, At my lord prince fall tak in hertlie favoris all lordis spiritual and temporale & all uyris persons yat has ben with the kingis hienes in confale or uyir service now in yis tyme of trouble.

Item, At al discentions and discordis now standand or beand be tuex ony lordis or gret baronis of baith ye pertis fal be drawin be ye wifdome of ye said lordis to unite concord fa yt luff & favour may stand ymangis oure soverane lordis liegis and peax to be had & justice to proced & spealy be tuix ye erle of Buchain and lord Lile &c.

The foresaid pacification was presented in the first parliament of King James IV. and bears to be signed by the King's own hand.

Extracted from the registers of Parliament.

NUMBER IV.

List of the Members who were present the first day in the Parliament of Scotland, which met June 1. A.D. 1478.; being the first list of the kind that occurs in the records of Parliament.

<i>Episcopi.</i>	<i>Barones.</i>	<i>Commissarii burgorum.</i>
Glasguen	Dominus Hammiltoun	Edinburgh
Dunkelden	Dns Erkyn	Aberdeen
Aberdonen	Dns Abernethy	Perth
Moravien	Dns Kilmawaris	Strivelyne
Candide case	Dns Maxwale	Linlithgow
	Dns Halibertoun	Haddington
	Dns Carlisle	Aire
<i>Abbates et Prelati.</i>	Dns Lindefay de Byris	Ruyerglen
	Dns Lyle	Irwyn
Dumfermlyn	Dns Oliphant	Berwick
Kelso	Dns Cathkert	Dumbretane
Melros	Dns Sommerville	Carrale
Sti Columbe	Preceptor de Torfechin	Coupir
Kilwynyng	Will. Edmundifton	Santandris
Secretarius	Dns Stobhall	
Clericus registri	Dns de Baſſ	
	Dns de Scraling	
Officl Glasguen	Dns Craigmillar	
Officl Dunkelden	Dns de Dundafs	
Officl Laudonie	Dns de Kerſ	
	Dus Robertus Hammil-	
	toun	
Comes Angufie	Johes Halden de Gle-	
Comes de Rothes	negafs	
	Dns Flemyngh	

APPENDIX.

The three committees chosen the first day of every Parliament.

Ad Causas.

Pro Prelatis.

Nimianus Epus Candide case
Mag. Will. Elphinstoun officialis Laudomie
Mag. David Meldrum offic. Dunkeldensis

Pro Baronibus.

Robertus dominus Lyle
Johes Drummond de Stobhall
Willielmus Prestoun de Craigmillar

Pro Commissariis.

James of Creichton prepositus de Edinburgh
Alexander Foulis
Johannes Knollis

Ad Decisionem Judicij.

Abbas de Calco
Archi. ^{nus} Glasguen Rerik
Thesaura. ^w Glasguen Carmichell

Pro Baronibus.

Dns Abernethy
Dns de Skraling
Willms Edmondiston

Pro Commissariis.

Johannes Multrar
Alexander Bunche
Matheus Forester

Pro Articulis Advisandis.

Epi. Glasguen	Aberdonen
	Moravien
	Cancellarius
Comes Angufie	
Dns Hammilton	
Henricus Caunt	
Patricius Baroun	
Williemus Monor-	
gund	

Very few of the prelates or great barons attended this parliament, owing to their discontent, and the distracted state of the country, occasioned by the death of the Earl of Mar, and the imprisonment of the Duke of Albany, the king's brother.

* Extracted from the records of parliament.

NUMBER V.

Letter of Remission by Patrick Graham, Archbishop of St. Andrew's, to John Martin, citizen there.

WE Patrick, by the mercy of God, archbishop of St. Andrew's, lord of regality thereof, for divers and sundry reasonable considerations moving us thereto, have remitted, discharged, and freely forgiven our louite John Martine, citizen of our city of St. Andrew's, and by the tenor hereof remits, discharges, and freely forgives him, in our sovereign lord's name and authority, and ours, for the transporting forth of the realm, and carrying away, by himself, or others in his name, at sundry times, tallow, molten taugh, or other forbidden goods, geer, or merchandize, contrary to the tenor of the acts of parliament, laws and constitutions of this realm, and also for all other crimes or faults done, committed, affisted to, or fortifyed by him in any time bygone, albeit the same be greater than the said special crime or fault above expressed ; anent the quhilk we dispense with him, and grants him full free, and plain remission for the same ; and that he shall never be attacht, called, adjourned, summoned, nor accused therefor, nor yet troubled and molested for the same, in his person, goods, nor geer, any manner of way but to be as free thereof as if the famen had never been committed by him ; and thir letters of remit to be extended in maist ample form, so oft as need beis.

N. B. This remit is signed by the archbishop, and hath part of his seal yet to be seen upon it.

APPENDIX.

NUMBER VI.

The Goodly Provision made for the installation-feast of George Neville, Archbishop of York,
A. D. 1466.

In wheat, quarters,	-	300
In ale, tuns,	-	300
In wine, tuns,	-	100
In ipocrafle, pipes,	-	1
In oxen,	-	104
In wild bulls,	-	6
In muttons,	-	1000
In veals,	-	304
In porkes,	-	304
In swanns,	-	400
In geefe,	-	2000
In cappons,	-	1000
In piggs,	-	2000
In plovers,	-	400
In quailes,	-	1200
In fowles called rees,	-	2400
In peacockes,	-	104
In mallards and teales,	-	4000
In cranes,	-	204
In kidds,	-	204
In chickens,	-	2000
In pigeons,	-	2000
In connies,	-	4000
In bittors,	-	204
In heronshaws,	-	400
In pheſants,	-	200
In pertridges,	-	500

In

In woodcocks,	-	400
In curliews,	-	100
In egrits,	-	1000
In staggis, bucks, and roes,	-	500 and more
In pasties of venison, cold,	-	4000
In parted dishes of jellies,	-	1000
In plain dishes of jellies,	-	3000
In cold tearts, baked,	-	4000
In cold custards, baked,	-	3000
In hot pasties of venison,	-	1500
In hot custards,	-	2000
In pikes and breams,	-	308
In porpoises and seals,	-	12
Spices, sugared delicates, and wafers plenty.		

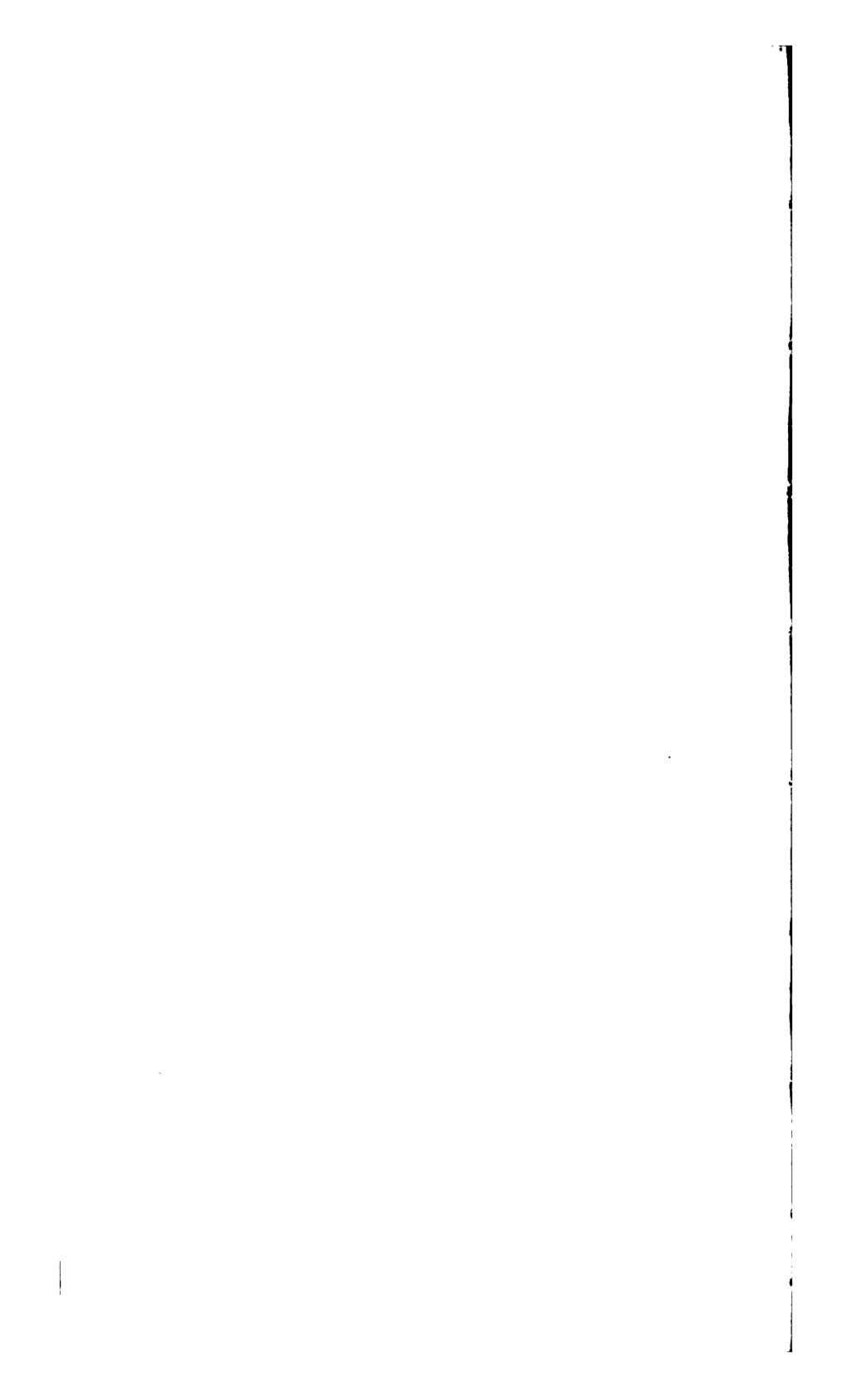
This curious bill of fare will give the reader some idea of this enormous feast. No turkies are mentioned in it, because they were not then known in England. Cranes, heronshaws, porpoises, and seals, are seldom seen at modern entertainments.

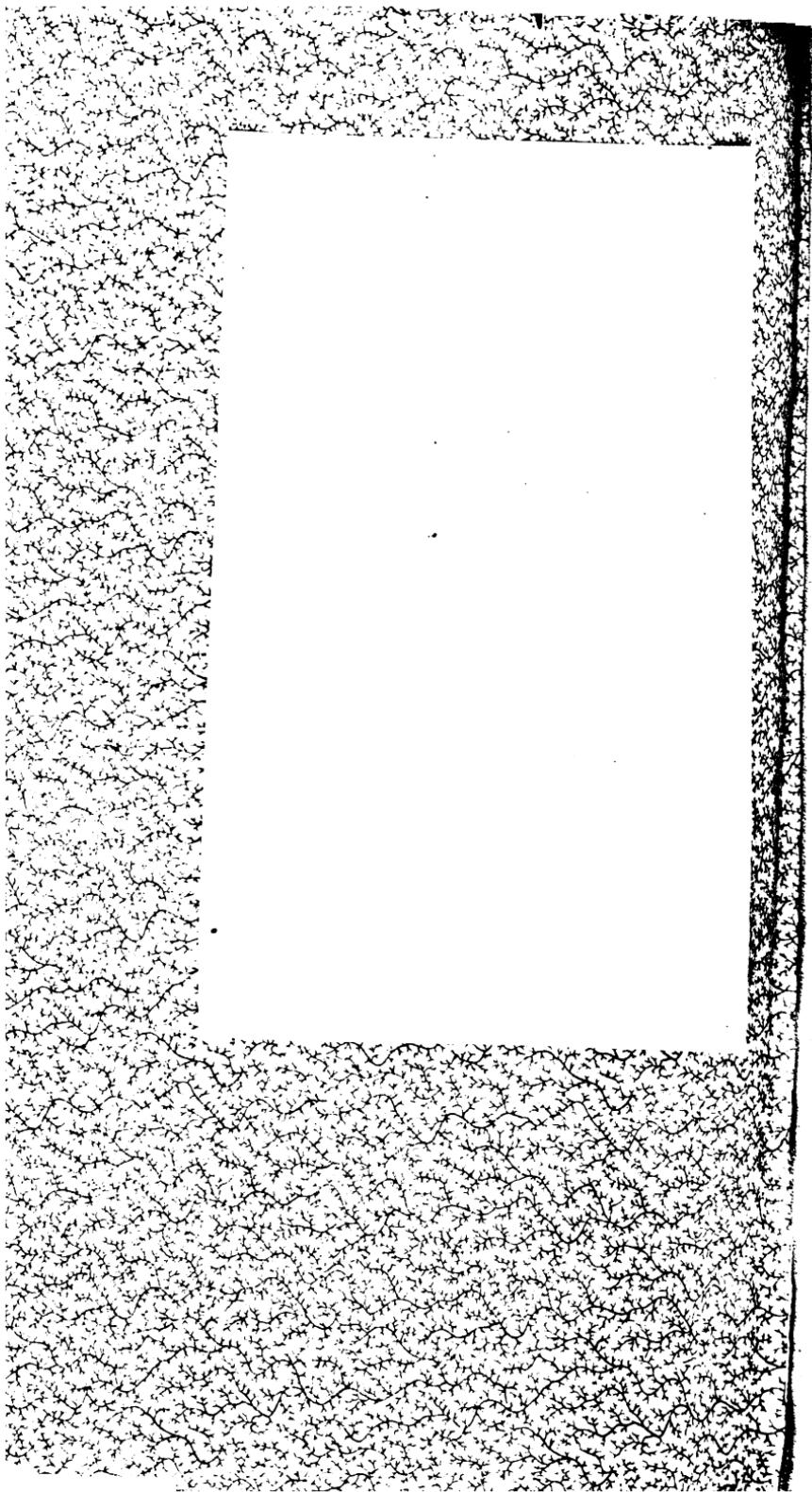
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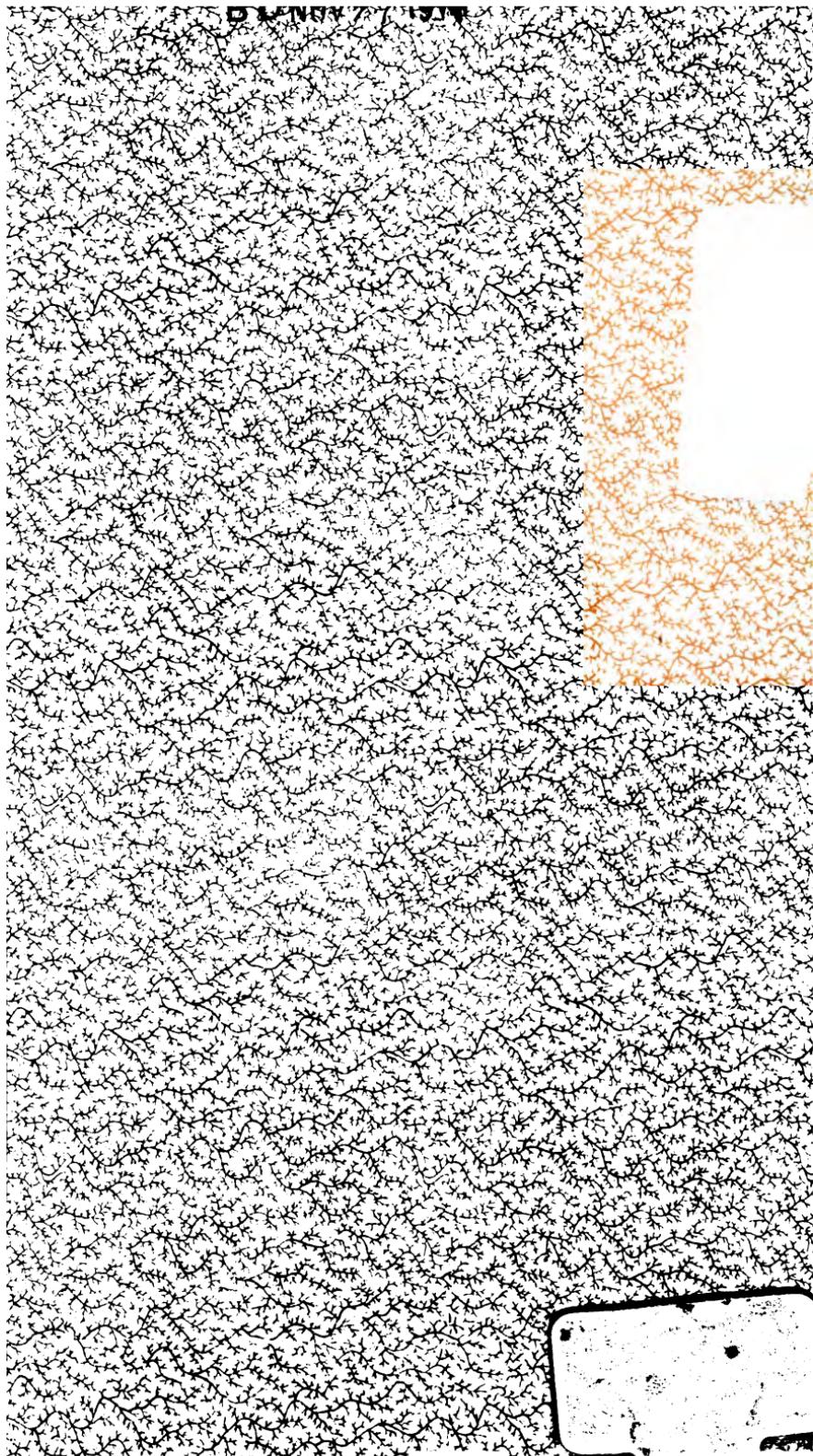
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